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No. 44] NEW DELHI, OCTOBER 25—OCTOBER 31, 2015, SATURDAY/KARTIKA 3—KARTIKA 9, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(आर्थिक कार्य विभाग)

नई दिल्ली, 21 अक्टूबर, 2015

**का.आ. 2040.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रणाधीन चलार्थ पत्र मुद्रणालय, नाशिक रोड़, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

चलार्थ पत्र मुद्रणालय,  
जेल रोड़, नाशिक रोड़-422101  
महाराष्ट्र

[फा० सं० 11013/08/2010-हिं.का.क.]

अमरनाथ, निदेशक (रा०भा०)

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 21st October, 2015

**S.O. 2040.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the

Union) Rules, 1976, the Central Government hereby notify the Currency Note Press, Nashik under the administrative control of Ministry of Finance, Department of Economic Affairs, whereof more than 80% of the staff have acquired the working knowledge of Hindi:

Currency Note Press,  
Jail Road, Nasik Road-422101  
Maharashtra

[F.No. 11013/08/2010-HIC]  
AMARNATH, Director(OL)

नई दिल्ली, 21 अक्टूबर, 2015

**का.आ. 2041.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रणाधीन भारत सरकार टकसाल, अलीपुर, कोलकाता, जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

भारत सरकार टकसाल,  
अलीपुर, कोलकाता-700053

[फा० सं० 11013/08/2010-हिं.का.क.]

अमरनाथ, निदेशक (रा०भा०)

New Delhi, the 21st October, 2015

**S.O. 2041.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notify the India Government Mint, Alipore, Kolkata, under the administrative control of Ministry of Finance, Department of Economic Affairs, whereof more than 80% of the staff have acquired the working knowledge of Hindi:

India Government Mint,  
Alipore, Kolkata-700053

[F.No. 11013/08/2010-HIC]  
AMARNATH, Director(OL)

नई दिल्ली, 21 अक्टूबर, 2015

**का.आ. 2042.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रणाधीन भारत प्रतिभूति मुद्रणालय, नाशिक रोड, महाराष्ट्र जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

भारत प्रतिभूति मुद्रणालय,  
नाशिक रोड-422101  
महाराष्ट्र

[फा० सं० 11013/08/2010-हिं०का०क०]  
अमरनाथ, निदेशक (रा०भा०)

New Delhi, the 21st October, 2015

**S.O. 2042.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notify the India Security Press, Nashik Road, Maharashtra, under the administrative control of Ministry of Finance, Department of Economic Affairs, whereof more than 80% of the staff have acquired the working knowledge of Hindi:

India Security Press,  
Nasik Road-422101  
Maharashtra

[F.No. 11013/08/2010-HIC]  
AMARNATH, Director(OL)

नई दिल्ली, 21 अक्टूबर, 2015

**का.आ. 2043.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रणाधीन प्रतिभूति कागज कारखाना, होशंगाबाद, जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

प्रतिभूति कागज कारखाना,  
होशंगाबाद-461005,  
मध्यप्रदेश

[फा० सं० 11013/08/2010-हिं०का०क०]  
अमरनाथ, निदेशक (रा०भा०)

New Delhi, the 21st October, 2015

**S.O. 2043.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notify the Security Paper Mill, Hoshangabad under the administrative control of Ministry of Finance, Department of Economic Affairs, whereof more than 80% of the staff have acquired the working knowledge of Hindi:

Security Paper Mill,  
Hoshangabad-461005  
M.P.

[F.No. 11013/08/2010-HIC]  
AMARNATH, Director (OL)

विदेश मंत्रालय

(सी०पी०वी० प्रभाग)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2044.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार के द्वारा श्री अजय कुमार चौंसिया, सहायक को 15 अक्टूबर 2015 से भारत के दूतावास, ब्रासिलिया में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

**MINISTRY OF EXTERNAL AFFAIRS**  
(CPV DIVISION)

New Delhi, the 15th October, 2015

**S.O. 2044.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Ajay Kumar Chaurasia, Assistant in Embassy of India, Brazilia to perform the Consular services as Assistant Consular Officer with effect from 15th October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली 15 अक्टूबर, 2015

**का.आ. 2045.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार के द्वारा श्री मनीष कुमार दीक्षित, सहायक को 15 अक्टूबर 2015 से भारत के दूतावास, सियोल में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 15th October, 2015

**S.O. 2045.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Manish Kumar Dixit, Assistant in Embassy

of India, Seoul to perform the Consular services as Assistant Consular Officer with effect from 15th October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 14 अक्टूबर, 2015

**का.आ. 2046.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार के द्वारा श्री राजेश भल्ला, सहायक को 14 अक्टूबर 2015 से भारत के कौंसुलावास, बोगोटा में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 14th October, 2015

**S.O. 2046.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Rajesh Bhalla, Assistant in Embassy of India, Bogota to perform the Consular services as Assistant Consular Officer with effect from 14th October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2047.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार के द्वारा श्री राजेश कुमार, उच्च श्रेणी लिपिक को 15 अक्टूबर 2015 से भारत के दूतावास, दमसकस में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 15th October, 2015

**S.O. 2047.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Rajesh Kumar, UDC in Embassy of India, Damascus to perform the Consular services as Assistant Consular Officer with effect from 15th October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2048.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार के द्वारा श्री अभिषेक कुमार, सहायक को 15 अक्टूबर 2015 से भारत के दूतावास, अबिदजान में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 15th October, 2015

**S.O. 2048.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Abhishek Kumar, Assistant in Embassy of India, Abidjan to perform the Consular services as Assistant Consular Officer with effect from 15th October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2049.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार के द्वारा श्री आसीत दत्ता, सहायक को 15 अक्टूबर 2015 से भारत के प्रधान कौंसुलावास, सैन फ्रांसिस्को में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 15th October, 2015

**S.O. 2049.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Asit Dutta, Assistant in Consulate General of India, San Francisco to perform the Consular services as Assistant Consular Officer with effect from 15th October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2050.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री आयुष शर्मा, अवर श्रेणी लिपिक को 23 अक्टूबर 2015 से भारत के कौंसुलावास हवाना में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 23rd October, 2015

**S.O. 2050.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Ayush Sharma, UDC in Embassy of India, Havana to perform the Consular services as Assistant Consular Officer with effect from 23rd October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2051.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री राजेश रंजन, सहायक को 23 अक्टूबर 2015 से भारत के भारतीय उच्चायोग, सुवा में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 23rd October, 2015

**S.O. 2051.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Rajesh Ranjan, Assistant in High Commission of India, Suva to perform the Consular services as Assistant Consular Officer with effect from 23 October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2052.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार सुश्री प्रीति करोतिया, सहायक को 23 अक्टूबर 2015 से भारत के प्रधान कौंसुलावास, सेंट डेनिस में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 23rd October, 2015

**S.O. 2052.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Ms. Preeti Karotiya, Assistant in Consulate General of India, Saint Denis to perform the Consular Services as Assistant Consular Officer with effect from 23 October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2053.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री राजेश दुग्गल, सहायक को 23 अक्टूबर 2015 से भारत के दूतावास, स्टॉकहोम में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 23rd October, 2015

**S.O. 2053.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Rajesh Duggal, Assistant in Embassy of India, Stockholm to perform the Consular services as Assistant Consular Officer with effect from 23 October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2054.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री अमर कुमार, सहायक और श्री विमल वर्थवाल, निजी सहायक को 23 अक्टूबर 2015 से भारत के दूतावास, हेग में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 23rd October, 2015

**S.O. 2054.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises (1) Shri Amar Kumar, Assistant and (2) Shri Vimal Barthwal, PA in Embassy of India, The Hague to perform the Consular services as Assistant Consular Officer with effect from 23 October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2055.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री विजय कुमार, सहायक, श्री नवीन नोडियाल, सहायक और सुशील कुमार, सहायक को 23 अक्टूबर 2015 से भारत के प्रधान कौंसुलावास, वैनकूवर में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

New Delhi, the 23rd October, 2015

**S.O. 2055.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises (1) Shri Vijay Kumar, Assistant, (2) Shri Naveen Nodiyal, Assistant and (3) Shri Sushil Kumar, Assistant in Consulate General of India, Vancouver to perform the Consular services as Assistant Consular Officer with effect from 23 October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 23 अक्टूबर, 2015

New Delhi, the 23rd October, 2015

**का.आ. 2056.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री सुनील कुमार सिन्हा, सहायक को 23 अक्टूबर 2015 से भारत के दूतावास, हेलसिंकी में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं० टी० 4330/01/2015]

प्रकाश चन्द, उप सचिव (कौंसुलर)

**S.O. 2056.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Sunil Kumar Sinha, Assistant in Embassy of India, Helsinki to perform the Consular services as Assistant Consular Officer with effect from 23 October, 2015.

[No. T. 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2057.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

## अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शिर्षक	भामा सं/भाग/खण्ड/वर्ष
1	7800006811	14/08/2015	नेओ रबर प्रोडक्ट्स गाला सं० 05, आजाद नगर, दरगाह रोड, सोनापुर, भांडूप - पश्मीन पश्चिम, मुंबई - 400078	गैस मेन्स, जल मेन्स और मलजल के लिए रबड़ सीलिंग रिंग	भा मा 5382 : 1985
2.	7800006912	14/08/2015	सुपरटेक्स वोवन इंडस्ट्रीज़ 168/179/180, दाभेल इंडस्ट्रियल को-आपरेटिव सोसाइटी लि० दाभेल गांव, जिला : दमन - 396210	वस्त्रादि-जलसह अस्तर के लिए (अल्पांतरी ज़िल्लीमय) लेमिनित उच्च घनत्व वाले पोलीइथाईलीन (एचडीपीई) बुने हुये वस्त्र	भा मा 15351 : 2008
3.	7800007013	17/08/2015	पीएनएस इलेक्ट्रिकल सोल्यूशंस प्रा० लि० सर्वे सं० 6, प्लाट सं० 13, सपना इण्ड, इस्टेट फेज 2, सरवली गांव, किलबर्न के पीछे, भिवंडी, ठाणे - 421302	250 वोल्ट्स और 16 एम्पीअर्स तक रेटित धारा के प्लग और सॉकेट आउटलेट्स	भा मा 1293 : 2005
4.	7800007114	20/08/2015	मिराया प्रिंट्स गाला सं० 10, बिल्डिंग सं० 57, इंडियन कार्पोरेशन, मनकोली नाका, दापोड़े रोड, भिवंडी, ठाणे - 421 302, महाराष्ट्र	प्लेन कॉपीयर पेपर	भा मा 14490 : 1997
5.	7800007215	20/08/2015	मिराया प्रिंट्स गाला सं० 10, बिल्डिंग सं० 57, इंडियन कार्पोरेशन, मनकोली नाका, दापोड़े रोड, भिवंडी, ठाणे - 421 302, महाराष्ट्र	कम्प्यूटर पेपर	भा मा 12766 : 1997



क्रम संख्या	लाइसेंस संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शिर्षक	भामा सं/ भाग/खण्ड/वर्ष
6.	7800007316	20/08/2015	लोर्ड्स मार्क इंडस्ट्रीज प्रा० लि० गाला सं० 06 एवं 07, शीतल सृष्टी इण्ड, इस्टेट, के टी इंडस्ट्रियल पार्क - 1, गोराई पाड़ा, वसई - पूर्व, ठाणे - 401208 महाराष्ट्र	कम्प्युटर पेपर	भा मा 12766 : 1997
7.	7800007409	20/08/2015	इमप्रेसिव मल्टीफॉर्मर्स, प्रा० लि० प्लॉट सं० 11, सर्वे सं० 185/1/1, अमली गांव, दादरा एवं नगर हवेली, सिलवासा - 396230	कम्प्युटर पेपर	भा मा 12766 : 1997
8.	7800007510	28/08/2015	जगदीश इंजीनियरिंग 136, कोहिनूर इण्ड इस्टेट, वेस्टर्न एक्सप्रेस हाइवे, गोरेगांव - पूर्व मुंबई - 400063	घरेलू बिजली के खाद्य मिक्सर (द्रवीपरक और ग्रांडर)	भा मा 4250 : 1980

[सं० केन्द्रीय प्रमाणन विभाग/13:11]

टी० कलैवाणन, प्रमुख (एमयूबीओ - ईईई)

**MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION****(Department of Consumer Affairs)****(BUREAU OF INDIAN STANDARDS)**

New Delhi, the 15th October, 2015

**S.O. 2057.**—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

**SCHEDULE**

Sl. No.	Licence No.	Grant Date	Name and address (factory) of the party	Product	IS No./Part/ Sec Year
1.	7800006811	14/08/2015	NEORUBBER PRODUCTS GALANO. 05, AZAD NAGAR, DARGAH ROAD, SONAPUR, BHANDUP (W) MUMBAI - 400078	Rubber sealing rings for gas mains, water mains and sewers	IS 5382 : 1985
2.	7800006912	14/08/2015	SUPERTEX WOVEN INDUSTRIES 168/179/180, DABHEL INDUSTRIAL, CO-OP. SOC. LTD. VILLAGE DABHEL DISTT : DAMANN - 396210	Textiles - laminated high density polyethylene (hdpe) fabric for canal lining -	IS 15351 : 2008
3.	7800007013	17/08/2015	PNS ELECTRIC SOLUTION PVT LTD SR. NO. 6, PLOT NO. 13, SAPNA INDL. ESTATE, PHASE 2, SRAVALI VILLAGE, BEHIND KILBURN BHIWANDI, THANE - 421302 MAHARASHTRA	Plugs and socket outlets of 250 volts and rated current up to 16 amperes	IS 1293 : 2005

Sl. No.	Licence No.	Grant Date	Name and address (factory) of the party	Product	IS No./Part/Sec Year
4.	7800007114	20/08/2015	MIRAYAPRINTS GALA NO. 10, BLDG NO. 57A, INDIAN CORPORATION, MANKOLINAKA, DAPODE ROAD, BHIWANDI THANE - 421302 Maharashtra	Plain copier paper -	IS 14490 : 1997
5.	7800007215	20/08/2015	MIRAYAPRINTS GALA NO. 10, BLDG NO. 57A, INDIAN CORPORATION, MANKOLINAKA, DAPODE ROAD, BHIWANDI THANE - 421302 Maharashtra	Paper, computer -	IS 12766 : 1997
6.	7800007316	20/08/2015	LORDS MARK INDUSTRIES PVT LTD GALA NO. 6 & 7, SHEETAL SHRUSHTI INDL ESTATE, K.T. INDUSTRIAL PARK-I, GORAI PADA, VASAI (EAST) THANE - 401208 Maharashtra	Paper, computer -	IS 12766 : 1997
7.	7800007409	20/08/2015	IMPRESSIVE MULTIFORMS PVT LTD PLOT NO. 11, SURVEY NO. 185/1/1, VILLAGE AMLI Dadra and Nagar Haveli SILVASAA - 396230	Paper, computer -	IS 12766 : 1997
8.	7800007510	28/08/2015	JAGDISH ENGINEERING 136, KOHINOOR INDUSTRIAL ESTATE, WESTERN EXPRESS HIGHWAY, GOREGAON (EAST) MUMBAI - 400063	Domestic Electric Food-Mixers (Liquidizes and Grinders)	IS 4250 : 1980

[No. CMD/13:11]

T. KALAIVANAN, Head (MUBO-FEE)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2058.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं:—

## अनुसूची

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रकम संबंध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	2164242	दशमेश केबल्स प्लॉट सं० 52, इंडस्ट्रियल एरिया खेमानी, औटी सेक्शन, उल्हासनगर-421002 जिला ठाणे, महाराष्ट्र	भा०मा० 694 : 1990 1100 वो तक एवं सहित कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल	13.08.2015

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रकम संबद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
2.	2409347	देशमेश केबल्स प्लॉट सं० 52, इंडस्ट्रियल एरिया खेमानी, ओटी सेक्शन, उल्हासनगर-421002 जिला ठाणे, महाराष्ट्र	भा० मा० 1554( भाग 1 ) : 1988 पी वी सी रोधित ( भारी ड्यूटी ) विद्युत केबल : भाग 1, 1100 वोल्ट कार्यकारी वोल्टता तक व सहित केबल के लिए	13.08.2015
3.	7067774	देशमेश केबल्स प्लॉट सं० 52, इंडस्ट्रियल एरिया खेमानी, ओटी सेक्शन, उल्हासनगर-421002 जिला ठाणे, महाराष्ट्र	भा० मा० 7098( भाग 1 ) : 1988 क्रासलिंकड पॉलीथिलीन विद्युत्तरोधी पीवीसी आवरित केबल भाग 1, 1100 वो. तक एवं सहित कार्यकारी वोल्टता हेतु	13.08.2015

[सं० केन्द्रीय प्रमाणन विभाग/13:13]  
टी० कलैवाणन, प्रमुख (एमयूबीओ-ईईई)

New Delhi, the 15th October, 2015

**S.O. 2058.**—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been **cancelled** with effect from the date indicated against each:

#### SCHEDULE

Sl. No.	Licence No.	Name and address of the licensee	Article/process with relevant Indian standard covered by the Licence	Date of cancellation
1	2164242	Dashmesh Cables Plot No. 52, Indl. Area Khemani, OT Section, Ulhasnagar - 421002 Distt: Thane, Maharashtra	IS 694 : 1990 PVC insulated cables for working Voltages upto and including 1100 V	13.08.2015
2	2409347	Dashmesh Cables Plot No. 52, Indl. Area Khemani, OT Section, Ulhasnagar - 421002 Distt: Thane, Maharashtra	IS 1554 : Part 1 : 1988 PVC insulated (Heavy Duty) Electric Cables: Part I for working voltages upto and including 1100 V	13.08.2015
3	7067774	Dashmesh Cables Plot No. 52, Indl. Area Khemani, OT Section, Ulhasnagar - 421002 Distt: Thane, Maharashtra	IS 7098 : Part 1 : 1988 crosslinked polyethylene insulated pvc sheathed cables: part 1 for working voltage upto and including 1100 V	13.08.2015

[No. CMD/13:13]  
T. KALAVAINAN, Head (MUBO-EEE)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2059.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—



## अनुसूची

क्रम सं.	लाइसेंस सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. सं.(भाग/अनुभाग) : वर्ष
1.	6500007909	20150902	मेसर्स गेलक्सी इंजीनियरिंग कंपनी एस एफ सं 316/1, मुत्तुसामी नगर, गणेश ले आउट उत्तर, स्टेनमोर कम्पाउन्ड, गणपति, कोयम्बतूर - 641 006	साफ, ठंडे पानी के लिए अपकेन्द्रीय पुनरुत्पादक पम्प	IS 8472 : 1998
2.	6500008099	20150902	मेसर्स शान्ता इंजीनियरिंग प्रोडक्ट्स 140/2, नवा इंडिया रोड, सौदेश्वरी नगर, आवारमपालयम, कोयम्बतूर - 641 006	साफ, ठंडे पानी के लिए अपकेन्द्रीय पुनरुत्पादक पम्प	IS 8472 : 1998
3.	6500008103	20150903	मेसर्स प्रोटेक इंजीनियरिंग 255/2, शक्ति नगर, एम०के० पालयम रोड, शौरीपालयम, कोयम्बतूर - 641 028	साफ, ठंडे पानी के लिए अपकेन्द्रीय पुनरुत्पादक पम्प	IS 8472 : 1998
4.	6500008204	20150903	मेसर्स हाईटेक इंजीनियरिंग एस एफ सं 483/2C-4A, कृष्णमाल कॉलेज कम्पाउन्ड के पास, एल्लआई तोट्टम रोड, पीलमेडु, कोयम्बतूर - 641 004	कृषि एवं जल आपूर्ति के लिए साफ ठंडे पानी के बिजली के मोनोसेट पम्प	IS 9079 : 2002
5.	6500008305	20150910	मेसर्स मौली टेक्नोलॉजिस् प्रायवेट लिमिटेड 482/4, तुडियलूर रोड, चिन्नावेदमपट्टी, कोयम्बतूर - 641006	साफ, ठंडे पानी के लिए अपकेन्द्रीय पुनरुत्पादक पम्प	IS 8472 : 1998
6.	6500008406	20150910	मेसर्स मौली टेक्नोलॉजिस् प्रायवेट लिमिटेड 482/4, तुडियलूर रोड, चिन्नावेदमपट्टी, कोयम्बतूर - 641006	गहरे कुओं के लिए निम्नजनीय पम्पसेट	IS 14220 : 1994
7.	6500008507	20150918	मेसर्स मोयलन एग्रो पाइप्स SF 183/2, करयनचेट्टी पालयम, वालपारै मुख्य सड़क, समतूर पोस्ट, पोल्लाची - 642 123	पेयजल आपूर्ति के लिए अप्लास्टिक पी वी सी पाइप्स	IS 4985 : 2000
8.	6500008608	20150925	मेसर्स हार्विन इंडस्ट्रीस 14, रंगमाल कोविल स्ट्रीट, पीलामेडु, कोयम्बतूर - 641004	कृषि एवं जल आपूर्ति के लिए साफ ठंडे पानी के बिजली के मोनोसेट पम्प	IS 9079 : 2002
9.	6500008709	20150928	मेसर्स काडैईश्वरा फूड प्रोडक्ट्स, एस एफ सं 791/1, वेल्लानैपट्टी, वेल्लानैपट्टी (पी.ओ) कालापट्टी, कोयम्बतूर - 641048	पैकेजबंद पेय जल (पैकेजबंद मिनरल जल के अलावा)	IS 14543 : 2004
10.	6500008810	20150929	मेसर्स जी आर टी ज्वेलर्स (इंडिया) प्रायवेट लिमिटेड, दरवाजा सं TS 11/11, काँवेरी रोड, करुंगलपालयम, ईरोड - 638001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी - शुद्धता एवं मुहरांकन	IS 1417 : 1999
11.	6500009004	20150930	मेसर्स गेलक्सी इंजीनियरिंग कंपनी एस एफ सं 316/1, मुत्तुसामी नगर, गणेश ले आउट उत्तर, स्टेनमोर कम्पाउन्ड, गणपति, कोयम्बतूर - 641 006	गहरे कुओं के लिए निम्नजनीय पम्पसेट	IS 14220 : 1994

क्रम लाइसेंस सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा सं( भाग/ अनुभाग ) : वर्ष
12. 6500008911	20150930	मेसर्स श्री आन्डाल अलगर सिमेंट प्रायवेट लिमिटेड, एस एफ सं 1468/1, पचापालयम गांव, ओलापालयम पोस्ट, कानोयम तालुक, तिरुप्पुर - 638701	पोर्टलेन्ड पोर्जोलाना सिमेंट— भाग 1 - फलैश आधारित	IS 1489 (Part 1): 1991

[सं सीएमडी/13: 11]

डी० प्रेमा कुमार, वैज्ञानिक 'डी' एवं प्रमुख

New Delhi, the 15th October, 2015

**S.O. 2059.**—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule:

**SCHEDULE**

Sl. No.	Licence No.	Grant Date	Name and address (factory) of the party	Title of the Indian Standard	IS No./Part/ Sec. Year
1.	6500007909	20150902	M/s. Galaxy Engineering Co. SF No. 316/1, Muthusamy Nagar, Ganesh Lay Out North, Stanmore Compound, Ganapathy, Coimbatore-641006	Centrifugal Regenerative Pumps for clear, cold water	IS 8472 : 1998
2.	6500008099	20150902	M/s. Santha Engineering Products 140/2, Nava India Road, Sowdeswari Nagar, Avarampalayam, Coimbatore 641006	Centrifugal Regenerative Pumps for clear, cold water	IS 8472 : 1998
3.	6500008103	20150903	M/s. Protech Engineering 255/2, Sakthi Nagar, M K Palayam Road, Sowripalayam, Coimbatore 641028	Centrifugal Regenerative Pumps for clear, cold water	IS 8472 : 1998
4.	6500008204	20150903	M/s. Hiteck Engineering S.F. No. 483/2C-4A, Near Krishnammal College Compound, Ellai Thottam Road, Peelamedu, Coimbatore 641004	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Proposes	IS 9079 : 2002
5.	6500008305	20150910	M/s. Mouli Technologies Private Limited, 482/4, Thudialur Road, Chinnavedampatti, Coimbatore 641006	Centrifugal Regenerative Pumps for clear, cold water	IS 8472 : 1998
6.	6500008406	20150910	M/s. Mouli Technologies Private Limited, 482/4, Thudialur Road, Chinnavedampatti, Coimbatore 641006	Openwell Submersible Pumpsets	IS 14220 : 1994
7.	6500008507	20150918	M/s. Moyalan Agro Pipes SF 183/2, Karayanchetti Palayam, Valpari Main Road, Samathur (P.O.), Pollachi 642123	Unplasticized PVC pipes for Potable Water Supplies	IS 4985 : 2000

Sl. No.	Licence No.	Grant Date	Name and address (factory) of the party	Title of the Standard	IS No./Part/Sec. Year
8.	6500008608	20150925	M/s. Harvin Industries 14, Rangammal Kovil Street, Peelamedu, Coimbatore 641004	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
9.	6500008709	20150928	M/s. Kadai Eswara Food Product SF No. 791/1, Vellanaipatti, Vallenaipatti (P.O.), Kalapatti, Coimbatore 641048	Packaged Drinking Water (other than Packaged Natural Mineral Water)	IS 14543 : 2004
10.	6500008810	20150929	M/s. GRT Jewellers (India) Pvt. Ltd., Door No. TS 11/11, Cauvery Road, Karungalpalayam, Erode 638001	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	IS 1417 : 1999
11.	6500009004	20150930	M/s. Galaxy Engineering Co. SF No. 316/1, Muthusamy Nagar, Ganesh Lay Out North, Stanmore Compound, Ganapathy, Coimbatore 641006	Openwell Submersible Pumpsets	IS 14220 : 1994
12.	6500008911	20150930	M/s. Sri Andal Alagar Cement Private Limited: SF No. 1468/1, Pachapalayam Village, Olapalayam Post, Kangeyam Taluk, Tiruppur 638701	Portland Pozzolana Cement—Part 1—Fly Ash Based	IS 1489 (Part 1) 1991

[No. CMD/13 : 11]

D. PREMA KUMAR, Scientist 'D' &amp; Head

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2060.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियमन, 1988 के विनियमन 5 के उपविनियमन (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शाई गई तारीख से रद्द/स्थगित कर दिया गया है :—

## अनुसूची

क्रम सं.	लाइसेंस सं. सीएम/एल	लाइसेंसधारी का नाम एवं पता	स्थगित किए गए/रद्द किए गए लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द होने की तिथि
1.	4794386	मेसर्स पयोनीर प्लाईवुड इंडस्ट्रीस 10/100/1, ए एस पी तोट्टम, सेनगोडुगौन्डन पुदुर मार्ग, मुतुगौन्डनपुदुर, सुलूर, कोयम्बतूर-641 402	समुद्री उपयोग के लिए प्लाईवुड IS 710 : 2010	07-09-2015
2.	4794487	मेसर्स पयोनीर प्लाईवुड इंडस्ट्रीस 10/100/1, ए एस पी तोट्टम, सेनगोडुगौन्डन पुदुर मार्ग, मुतुगौन्डनपुदुर, सुलूर, कोयम्बतूर-641 402	ब्लॉक बोर्ड IS 1659 : 2004	07-09-2015

[सं. सीएमडी/13:13]

डी. प्रेमा कुमार, वैज्ञानिक 'डी' एवं प्रमुख

New Delhi, the 15th October, 2015

**S.O. 2060.**—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licence particulars of which are given below have been cancelled/suspended with effect from the date indicated against each:

**SCHEDULE**

Sl. No.	Licence No. CML-	Name & Address of the Licensee	Article/Process with relevant Indian Standard covered by the licence cancelled/suspension	Date of Cancellation
1.	4794386	M/s. Pioneer Plywood Industries 10/100/1, A.S.P. Thottam, Sengodogoundan Pudur Road, Muthugoundanpudur, Suler, Coimbatore 641 402	Marine Plywood IS 710 : 2010	07.09.2015
2.	4794487	M/s. Pioneer Plywood Industries 10/100/1, A.S.P. Thottam, Sengodogoundan Pudur Road, Muthugoundanpudur, Suler, Coimbatore 641 402	Block Boards IS 1659 : 2004	07.09.2015

[No. CMD/13:13]

D. PREMA KUMAR, Scientist 'D' &amp; Head

**मानव संसाधन विकास मंत्रालय**

(उच्चतर शिक्षा विभाग)

(राजभाषा यूनिट)

नई दिल्ली, 12 अक्टूबर, 2015

**का.आ. 2061.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (स्कूल शिक्षा एवं साक्षरता विभाग और उच्चतर शिक्षा विभाग) के अंतर्गत निम्नलिखित कार्यालयों को ऐसे कार्यालय के रूप में, जिसके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

1. केन्द्रीय विद्यालय  
अमीनू, तहसील व जिला कुलगाम,  
जम्मू और कश्मीर-192231
2. केन्द्रीय विद्यालय  
सीमा सुरक्षा बल, सुंदरबनी,  
जम्मू और कश्मीर-185153
3. केन्द्रीय विद्यालय  
ज्योडियां,  
जम्मू और कश्मीर-181202
4. केन्द्रीय विद्यालय  
सीमा सुरक्षा बल परिसर,  
अमरकोट, पंजाब-143419

[सं. 11011-2/2015-रा.भा.ए.]

सुखबीर सिंह संधु, संयुक्त सचिव

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT****(Department of Higher Education)**

(O. L. UNIT)

New Delhi, the 12th October, 2015

**S.O. 2061.**—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Human Resource Development, (Department of School Education & Literacy & Department of Higher Education) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi.

1. Kendriya Vidyalaya,  
Aminoo,  
Tehsil & Distt. Kulgam  
Jammu and Kashmir-192231
2. Kendriya Vidyalaya,  
BSF, Sunderbani,  
Jammu and Kashmir-185153
3. Kendriya Vidyalaya,  
Jourian,  
Jammu and Kashmir-181202
4. Kendriya Vidyalaya,  
BSF Campus, Amarkot,  
Punjab-143419

[No. 11011-2/2015-O.L.U.]

SUKHBIR SINGH SANDHU, Jt. Secy.

**स्वास्थ्य एवं परिवार कल्याण मंत्रालय**

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 15 अक्टूबर, 2015

**का.आ. 2062.**—केन्द्र सरकार भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार, भारतीय चिकित्सा परिषद से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती हैं।

उक्त प्रथम अनुसूची में “द तमिलनाडु डॉ॰ एम॰ जी॰ आर॰ चिकित्सा विश्वविद्यालय, चेन्नई के बाद और शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” [इसके बाद कॉलम (2) में यथा संदर्भित] के अंतर्गत”, अंतिम प्रविष्टि के बाद और शीर्षक “पंजीकरण के लिए संक्षिप्त रूप” [इसके बाद कॉलम (3) में यथा संदर्भित] के अंतर्गत उससे संबंधित प्रविष्टि में निम्नलिखित को अंतर्विष्ट किया जाएगा, नामतः—

(2)	(3)
“बैचलर ऑफ मेडिसिन और बैचलर ऑफ सर्जरी”	एम॰बी॰बी॰एस॰ (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जो चेन्नई चिकित्सा कॉलेज अस्पताल एवं अनुसंधान केंद्र, इरुनगर, त्रिची, जहां वार्षिक प्रवेश क्षमता 150 एमबीबीएस छात्र हैं, में प्रशिक्षित किए जा रहे द तमिलनाडु डॉ॰ आर.जी.एम. चिकित्सा विश्वविद्यालय, चेन्नई द्वारा फरवरी, 2014 को अथवा उसके पश्चात् प्रदान की गई हो।)

सभी के लिए नोट:— 1 एमबीबीएस डिग्री प्रदान करने के लिए पूर्व-स्नातक पाठ्यक्रम को तथाकथित प्रदत्त मान्यता अधिकतम 05 वर्ष की अवधि के लिए होगी जिसके बाद उसका नवीकरण कराना होगा।

2. मान्यता के ‘नवीकरण’ की पद्धति उसी प्रकार होगी जिस प्रकार मान्यता प्रदान करने के लिए लागू होती है।

3. उपर्युक्त उप-खण्ड (क) में यथापेक्षित समय पर मान्यता का नवीकरण न होने पर संबंधित पूर्व-स्नातक पाठ्यक्रम में दाखिल निरपवाद रूप से रूक जाएगा।

[सं.यू. 12012/224/2015-एमई-1]

डॉ॰ वी॰ के॰ राव, अवर सचिव

**MINISTRY OF HEALTH AND FAMILY WELFARE  
(Department of Health and Family Welfare)**

New Delhi, the 15th October, 2015

**S.O. 2062.**—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act.

In the said First Schedule after "The Tamilnadu Dr. M.G.R. Medical University, Chennai" and under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
"Bachelor of Medicine and Bachelor of Surgery"	M.B.B.S. (This shall be a recognised medical qualification when granted by the Tamilnadu Dr. M.G.R. Medical University, Chennai in respect of students being trained at Chennai Medical College Hospital & Research Centre, Irunagar, Trichy with annual intake of 150 MBBS students on or after February, 2014).

**Note to all:** 1. The recognition so granted to an undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

2. The procedure for 'Renewal' of recognition shall be same as applicable for the award for recognition.

3. Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned undergraduate Course.

[No. U-12012/224/2015-ME- I]

D. V. K. RAO, Under Secy.

**पेट्रोलियम और प्राकृतिक गैस मंत्रालय**

नई दिल्ली, 19 अक्टूबर, 2015

**का.आ. 2063.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को, जिनके 80 या अधिक प्रतिशत कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

**1. इंडियन आयल कार्पोरेशन लिमिटेड**

- (i) इंडियन आयल कार्पोरेशन लिमिटेड,  
गुजरात राज्य कार्यालय,  
इंडियन आयल भवन  
205, सोला फ्लाईओवर  
एस॰जी॰ हाइवे के पास,  
अहमदाबाद-380060 (गुजरात)

- (ii) इंडियन आयल कार्पोरेशन लिमिटेड,  
धनज बॉटलिंग प्लांट,  
धनज खुर्द,  
स्टेट हाइवे नं० 199,  
तहसील - कारंजा (लाड),  
जिला - वासिम - 444110 (महाराष्ट्र)
- (iii) इंडियन आयल कार्पोरेशन लिमिटेड,  
सेंट्रल लेबोरेटरी,  
'के' आयल इंस्टॉलेशन  
शिवड़ी टर्मिनल - 2,  
शिवड़ी (पूर्व), मुंबई-400015
- (iv) इंडियन आयल कार्पोरेशन लिमिटेड,  
खापरी डिपो, वर्धा रोड, खापरी,  
नागपुर - 441108 (महाराष्ट्र)
- (v) इंडियन आयल कार्पोरेशन लिमिटेड,  
इंदौर डिपो,  
ए०बी० रोड, मंगलियाँ गांव,  
इंदौर - 453771 (मध्य प्रदेश)
- (vi) इंडियन आयल कार्पोरेशन लिमिटेड,  
सूरत एरिया कार्यालय,  
घोड दौड़ रोड,  
बीएसएनएल ऑफिस के पास,  
सूरत - 395001 (गुजरात)
- (vii) इंडियन आयल कार्पोरेशन लिमिटेड,  
राजकोट मंडल कार्यालय,  
इंडियन आयल भवन,  
रेस कोर्स रिंग रोड,  
राजकोट - 360001 (गुजरात)
- (viii) इंडियन आयल कार्पोरेशन लिमिटेड,  
राइरू डिपो ग्वालियर,  
वितरण प्रभाग,  
पोस्ट - ग्राम: बरुआ,  
ग्वालियर - 474005 (मध्य प्रदेश)
- (ix) इंडियन आयल कार्पोरेशन लिमिटेड,  
बल्क पेट्रोलियम भिलाई डिपो,  
रेलवे गूड्स शेड के पास,  
भिलाई 3, जिला - दुर्ग,  
छत्तीसगढ़ - 490021
- (x) इंडियन आयल कार्पोरेशन लिमिटेड,  
नागपुर एएफएस,  
बाबा साहब इंटरनेशनल एयरपोर्ट,  
सोने गांव,  
नागपुर - 440005
- (xi) इंडियन आयल कार्पोरेशन लिमिटेड,  
अहमदाबाद एएफएस,  
सरदार वल्लभभाई पटेल अंतर्राष्ट्रीय  
एयरपोर्ट,  
एयर कार्गो कॉम्पलेक्स,  
मेघानी नगर,  
अहमदाबाद - 380016
- (xii) इंडियन आयल कार्पोरेशन लिमिटेड,  
इंडेन एरिया कार्यालय,  
बहादुर रेसिडेंसी, दूसरी मंजिल,  
कैलाश विहार,  
आयकर भवन के पास,  
सिटी सेंटर, ग्वालियर - 474011
- (xiii) इंडियन आयल कार्पोरेशन लिमिटेड,  
साणंद एलपीजी बाटलिंग प्लांट,  
साणंद विरंगम हाईवे,  
आईओसी पंप के सामने,  
वदनागर बस डिपो के पास,  
साणंद - 382110  
(अहमदाबाद)
- (xiv) इंडियन आयल कार्पोरेशन लिमिटेड,  
जयंत डिपो,  
जयंत कोलियरी,  
जिला - सिंगरौली (मध्य प्रदेश)
- (xv) इंडियन आयल कार्पोरेशन लिमिटेड,  
इंडियन आयल कार्पोरेशन लिमिटेड (विपणन प्रभाग),  
मध्य प्रदेश राज्य कार्यालय,  
16 अरेरा हिल्स, जेल रोड,  
भोपाल - 462011
- (xvi) इंडियन आयल कार्पोरेशन लिमिटेड,  
आदमपुर एएफएस,  
एविएशन फ्यूल स्टेशन,  
आदमपुर (दोआबा),  
जिला - जालंधर,  
पंजाब - 144102
- (xvii) इंडियन आयल कार्पोरेशन लिमिटेड,  
पठानकोट एएफएस,  
पी०बी० नंबर 2,  
पठानकोट - 145001
- (xviii) इंडियन आयल कार्पोरेशन लिमिटेड,  
नाल एएफएस,  
एअरफोर्स स्टेशन नाल,  
बीकानेर - 334001



- (xix) इंडियन आयल कार्पोरेशन लिमिटेड,  
सरसावा एएफएस,  
एअरफोर्स स्टेशन,  
सरसावा,  
जिला - सहारनपुर - 247232  
(उत्तर प्रदेश)
- (xx) इंडियन आयल कार्पोरेशन लिमिटेड,  
देहरादून एविएशन फ्यूल स्टेशन,  
जॉली ग्रांट एअरपोर्ट  
देहरादून: 248003
- (xxi) इंडियन आयल कार्पोरेशन लिमिटेड,  
मानेसर एससीएफपी,  
50 किमी माइलस्टोन,  
एनएच-8, एनएसजी गेट के सामने,  
जिला गुड़गांव - 122050 (हरियाणा)
- (xxii) इंडियन आयल कार्पोरेशन लिमिटेड,  
असावटी ल्यूब संयंत्र,  
ग्राम एवं पोस्ट असावटी,  
जिला - फरीदाबाद,  
हरियाणा - 121102
- (xxiii) इंडियन आयल कार्पोरेशन लिमिटेड,  
नजीबाबाद डिपो,  
बल्क पेट्रोलियम डिपो,  
आदर्श नगर, नजीबाबाद,  
जिला - बिजनौर (उत्तर प्रदेश)

## 2. हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड

- (i) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
उत्तर पश्चिम अंचल - रिटेल,  
पहली मंजिल, श्री बालाजी अल्फा बाजार  
ठाकोरजीभाई देसाई हॉल के सामने,  
हाई स्ट्रीट - 1, लॉ गार्डन,  
अहमदाबाद - 380006
- (ii) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
रुड़की डिपो,  
प्लॉट नं० 2, यूएसआईडीसी इंडस्ट्रियल एरिया,  
लन्डौरा, रुड़की - 247667
- (iii) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
लखनऊ ल्यूब डिपो,  
ऐशबाग, मिल रोड  
लखनऊ - 226004
- (iv) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
अमौसी इंस्टालेशन  
अमौसी रेलवे स्टेशन के नजदीक  
लखनऊ - 226010

- (v) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
गुवाहाटी रिटेल क्षेत्रीय कार्यालय  
प्रथम तल, एच० डी० कॉम्प्लेक्स  
उलुबारी, जी० एस० रोड,  
गुवाहाटी - 781007
- (vi) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
वडोदरा रिटेल क्षेत्रीय कार्यालय,  
अंबालाल पार्क, वॉटर टैंक रोड,  
कारेलीबाग  
वडोदरा - 390018
- (vii) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
रांची रिटेल क्षेत्रीय कार्यालय,  
मारू टावर, पांचवी मंजिल,  
कांके रोड, रांची - 834008
- (viii) हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड,  
बैतालपुर आईआरडी,  
गोरखपुर - देवरिया रोड  
बैतालपुर, देवरिया - 274201

## 3. आयल एंड नेचुरल गैस कार्पोरेशन लिमिटेड

- (i) आयल एंड नेचुरल गैस कार्पोरेशन लिमिटेड  
आईओजीपीटी, फेज-2, ओएनजीसी,  
पनवेल, नवी मुंबई-410221
- (ii) आयल एंड नेचुरल गैस कार्पोरेशन लिमिटेड  
कैम्बे परिसंपत्ति  
पोस्ट-कंसारी, तालुका: खंभात  
जिला - आनंद, गुजरात - 388630

## 4. भारत पेट्रोलियम कार्पोरेशन लिमिटेड

- (i) भारत पेट्रोलियम कार्पोरेशन लिमिटेड,  
रांची डिपो, पोस्ट चुटिया,  
स्टेशन रोड, रांची - 834001

[सं० 11011/1/2015 (हिन्दी)]

डी० एस० रावत, संयुक्त निदेशक (राजभाषा)

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 19th October, 2015

**S.O. 2063.**—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the administrative control of the Ministry of Petroleum & Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi:—

### 1. Indian Oil Corporation Ltd.

- (i) Indian Oil Corporation Ltd.  
Gujarat State Office,

- Indian Oil Bhavan,  
Near 205, Sola flyover S.G. Highway, Sola,  
Ahmedabad 380 060 (Gujarat)
- (ii) Indian Oil Corporation Ltd,  
Dhanaj bottling plant,  
State Highway No. 199,  
Tehsil-Karanja (LAD)  
Distt-Wasim-444110 (Maharashtra)
- (iii) Indian Oil Corporation Ltd,  
Central Laboratory,  
"K" Oil Installation, Shivadi, Terminal-2,  
Shivadi (East), Mumbai-400 015
- (iv) Indian Oil Corporation Ltd,  
Khapri depot, Vardha Road, Khapri,  
Nagpur-441 108 (Maharashtra)
- (v) Indian Oil Corporation Ltd,  
Indore depot,  
A.B. Road, Mangliyagoan,  
Indore-453 771 (Madhya Pradesh)
- (vi) Indian Oil Corporation Ltd,  
Surat Area Office,  
Ghod Daur Road,  
Near BSNL Office,  
Surat-395 001 (Gujarat)
- (vii) Indian Oil Corporation Ltd,  
Rajkot Division Office,  
Indian Oil Bhawan,  
Race Course Ring Road,  
Rajkot-360001 (Gujarat)
- (viii) Indian Oil Corporation Ltd,  
Rairu depot Gwalior,  
Distribution Section,  
Post - Village, Barua  
Gwalior-474 005 (Madhya Pradesh)
- (ix) Indian Oil Corporation Ltd,  
Bulk Petroleum Bhilai Depot, Near Railway  
Goods Shed, Bhilai 3, Distt - Durg,  
Chhattisgarh-490 021
- (x) Indian Oil Corporation Ltd,  
Nagpur AFS,  
Baba Saheb International Airport,  
Sonagaon,  
Nagpur-440 005
- (xi) Indian Oil Corporation Ltd,  
Ahmedabad AFS,  
Sardar Vallabhbhai Patel,  
International Airport,  
Air Cargo Complex,  
Meghani Nagar,  
Ahmedabad-380 016
- (xii) Indian Oil Corporation Ltd,  
Indane Area Office,  
Bhadura residency, 2nd floor,  
Kailash Vihar,  
Near Income Tax building,  
City Center, Gwalior-474 011
- (xiii) Indian Oil Corporation Ltd,  
Sanand LPG bottling plant,  
Sanand Virangam Highway,  
Infront of IOC pump, Near,  
Vadnagar bus depot,  
Sanand-382 1101  
(Ahmedabad)
- (xiv) Indian Oil Corporation Ltd,  
Jayant depot,  
Jayant Koliyari,  
Distt-Singrauli (Madhya Pradesh)
- (xv) Indian Oil Corporation Ltd,  
Indian Oil Corporation Ltd. (Marketing Division)  
Madhya Pradesh State Office,  
16 Arera Hills, Jail Road,  
Bhopal-462011
- (xvi) Indian Oil Corporation Ltd,  
Adampur, AFS  
Aviation Fuel Stations,  
Adampur (Doob)  
Distt-Jalandhar,  
Punjab-144 102
- (xvii) Indian Oil Corporation Ltd,  
Pathankot AFS,  
P.B. No 2,  
Pathankot-145 001
- (xviii) Indian Oil Corporation Ltd,  
Nal AFS,  
Air Force station,  
Bikaner-334 001
- (xix) Indian Oil Corporation Ltd,  
Sarsava AFS,  
Air Force station, Sarsava  
Distt-Saharanpur-247 232  
(Uttar Pradesh)
- (xx) Indian Oil Corporation Ltd,  
Dehradun Aviation Fuel Station,  
Jolly Grant Airport,  
Dehradun: 248 003
- (xxi) Indian Oil Corporation Ltd,  
Manesar SCFP,  
50 km milestone,  
NH-8, infront of NSG gate,  
Distt-Gurgaon-122050 (Haryana)
- (xxii) Indian Oil Corporation Ltd,  
Asavati Tube plant,

Village & Post, Asavati  
Distt-Faridabad,  
Haryana-201102

- (xxiii) Indian Oil Corporation Ltd,  
Najibabad depot,  
Bulk Petroleum Depot,  
Adarsh Nagar, Najibabad,  
Distt-Bijnor (U.P.)

## 2. Hindustan Petroleum Corp. Ltd.

- (i) Hindustan Petroleum Corp. Ltd.  
North west Division-Retail  
1st floor, Shri Balaji Alpha Bazar,  
Infront of Thakaryi bai Desai hall,  
High street-1, Law Garden,  
Ahmedabad-380006
- (ii) Hindustan Petroleum Corp. Ltd.  
Rurki depot, Plot No. 2,  
UASIDC Industries Area,  
Landhaora, Rurki-247667
- (iii) Hindustan Petroleum Corp. Ltd.  
Lucknow lubes depot,  
Aishbagh, Mill Road,  
Lucknow-226004
- (iv) Hindustan Petroleum Corp. Ltd.  
Amausi installation near Amarshi railway Station  
Lucknow-226010
- (v) Hindustan Petroleum Corp. Ltd.  
Guwahati Retail Regional Office  
1st Floor, H.D. Complex,  
Ulubari, G.S. Road,  
Guwahati-781007
- (vi) Hindustan Petroleum Corp. Ltd.  
Borodara Retail Regional Office,  
Ambalal Park, Water Tank Road,  
Karelibagh,  
Borodarad-390018
- (vii) Hindustan Petroleum Corp. Ltd.  
Ranchi Retail Regional Office,  
Maru Tower, 5th floor, Kanke Road,  
Ranchi-834008
- (viii) Hindustan Petroleum Corp. Ltd.  
Baitalpur IRD,  
Gorakhpur—Deoria Road  
Baitalpur, Deoria-274201

## 3. Oil and Natural Gas Corporation Ltd.

- (i) Oil and Natural Gas Corporation Ltd.  
IOGPT, Phase 2, ONGC,  
Panvel, Navi Mumbai-410221
- (ii) Oil and Natural Gas Corp. Ltd.  
Cambay Assets,

Post-Kansari, Tehsil: Khambhat,  
District Anand, Gujarat-388630

## 4. Bharat Petroleum Corporation Limited

- (i) Bharat Petroleum Corporation Limited,  
Ranchi Depot, Post Chutiya,  
Station Road, Ranchi-834001

[No. 11011/1/2015(Hindi)]

D. S. RAWAT, Jt. Director (OL)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 20 अक्टूबर, 2015

**का.आ. 2064.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स सेन्ट्रल वेयरहाउसिंग कार्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ संख्या 57/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/10/2015 को प्राप्त हुआ था।

[सं० एल-42012/1/2014-आईआर (एम)]

नवीन कपूर, अवर सचिव

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 20th October, 2015

**S.O. 2064.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2014) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Central Warehousing Corporation and their workman, which was received by the Central Government on 15/10/2015.

[No. L-42012/1/2014-IR (M)]

NAVEEN KAPOOR, Under Secy.

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Tuesday, the 6th October, 2015

**Present:** K.P. PRASANNA KUMARI,  
Presiding Officer

## Industrial Dispute No. 57/2014

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Central Warehousing Corporation and Another and their workman)

**BETWEEN**

1. Sri C. Kaliyaperumal : 1st Party/1st Petitioner
2. Sri K.R. Sundararaman : 1st Party/2nd Petitioner
3. Sri N Sugavanam (Deceased) : 1st Party/3rd Petitioner
4. Sri S. Mariya Michael : 1st Party/4th Petitioner
5. Smt. Yogalakshmi : 1st Party/5th Petitioner
6. Smt. Jayalakshmi : 1st Party/6th Petitioner
7. Sri S. Manikanda Rathnachalam : 1st Party/7th Petitioner  
(Petitioners 5 to 7 are Legal Heirs of Petitioner No. 3)

**AND**

1. The Regional manager : 2nd Party/1st Respondent  
Central Warehousing Corporation  
4th North Avenue, Srinager Colony, Saidapet  
Chennai—600015
2. The Warehouse Manager : 2nd Party/2nd Respondent  
Central Warehouse  
Kallarai Road  
Puducherry—605001

**Appearance:**

- For the 1st Party/Petitioners : M/s K.M. Ramesh, Advocates
- For the 2nd Party/Respondents : M/s A.J. Abdul Razak, Mr. Ashok Menon, Advocates

**AWARD**

The Central Government, Ministry of Labour and Employment *vide* its Order No. L-42012/1/2014-IR (M) dated 04.07.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is:

"Whether the action of the management of Central Warehousing Corporation in denying *ex-gratia* payment taking into consideration as 60 years to Shri C. Kaliyaperumal, K.R. Sundararaman, N. Sugavanam and S. Mariya Michael is legal and Justified? If not, to what relief these workmen are entitled?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 57/2014 and issued notices to both sides. Both sides have entered appearance through their counsel and filed claim and counter statement respectively.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

Petitioners 1 to 4 were employed in the Respondent establishment and retired under Special Voluntary Retirement Scheme of 1998. The last date for applying for the scheme was 31.03.1998. The four petitioners opted to leave service under Special Voluntary Scheme within the last date. The applications were accepted. As per Clause-V(i) of the scheme *ex-gratia* equivalent to 1.5 months emoluments for each completed year of service in the Respondent establishment or the monthly emoluments at the time of retirement multiplied by the balance months of service left before normal date of retirement whichever is less is payable. Before the four petitioners could be relieved under the scheme the service rules governing retirement age of the employees was amended by the establishment and the retirement age was enhanced from 58 to 60 years. The four petitioners were relieved from service and retired on 31.05.1998. When payment was made as per Special Voluntary Retirement Scheme it was made on the footing that their age of retirement is 58 years and not 60 years. The action of the Respondent in denying the benefit of taking into account the balance service of 2 years for the purpose of calculating *ex-gratia* payment is illegal and unjustified. The dispute is raised accordingly. An order may be passed holding that the action of the Respondent in making *ex-gratia* payment without taking into account the age of retirement as 60 years is illegal and unjustified and also directing the Respondent to pay the monetary benefits due to them on such calculation.

4. The Respondents had filed Counter Statement contending as below:

As per Special Voluntary Retirement Scheme 1998 employees are entitled to *ex-gratia* payment equivalent to 1.5 months emoluments at the time of retirement multiplied by the completed years of service or for the balance months of service left before normal date of retirement whichever is less. The concerned petitioners submitted their applications under the above scheme and the same was accepted by the Management and *ex-gratia* payment was made to them taking into consideration their retirement age as 58. Since the petitioners had applied under the scheme which came into force on 24.02.1998 and was operative from 01.03.1998 to 31.03.1998 they cannot now take the stand that *ex-gratia* should be paid on the basis of enhanced age of retirement. The request for voluntary retirement had been accepted well before 28.05.1998 on which date the order raising the age of retirement was notified. The petitioners having submitted their applications for voluntary retirement and having availed

the terminal benefits could not claim the benefits of subsequent increase in the age of superannuation as 60 years. The petitioners are not entitled to any relief.

5. The evidence in the case consists of oral evidence of WW1 and MW1 and documents marked as Ext.W1 to Ext. W16 and Ext. M1.

6. The points for consideration are:

- (i) Whether the action of the Respondent in making *ex-gratia* payment to petitioners without considering the age of the retirement as 60 years is legal and justified?
- (ii) What, if any, is the relief to which the petitioners are entitled?

### The Points

7. Petitioners 1 to 4 were the employees of the Respondent Corporation. All of them had opted for voluntary retirement as per the Special Voluntary Retirement Scheme of 1998. The 3rd petitioner died after the dispute was raised but before Claim Statement was filed before this Tribunal. Supplemental petitioners 5 to 7 are the legal heirs of the deceased 3rd petitioner. They have got themselves impleaded in the dispute before this Tribunal.

8. The concerned employees were relieved from service consequent to the acceptance of their application for voluntary retirement as per Special Voluntary Scheme of 1998. As per Clause-V(i) of the scheme *ex-gratia* payment equivalent to 1.5 months emoluments for each completed year of service or the monthly emoluments at the time of retirement multiplied by balance months of service left before normal date of retirement whichever was less was payable to them. The age of retirement at the time when application for voluntary retirement was made was 58 years. However, the age of retirement was raised from 58 to 60 years after the application for voluntary retirement was accepted but before the employees were relieved from service on the basis of the application. According to the petitioners, *ex-gratia* payment was made to them treating the age of retirement as 58 even though the age of retirement at the time when they were of their relieved from service was 60 years. It is claimed by them that *ex-gratia* payment is to be calculated considering the age of retirement as 60 years in which case they will be monetarily benefitted. The case advanced by the Respondents is that the application for voluntary retirement having been accepted even before the raise in the age of retirement was notified the petitioners are not entitled to have the amount calculated as per the enhanced age of retirement.

9. It is seen from Ext.W2 that Sundararaman, the 2nd petitioner was relieved on 01.06.1998. Sugavanam, the 3rd petitioner was relieved on 31.05.1998 as seen from Ext. W3. Kaliyaperumal, the 1st petitioner is seen relieved on

26.06.1998 as per Ext. W5. Mariya Michael, the 4th petitioner is seen relieved on 30.05.1998 as seen from Ext. W10. There is no dispute regarding the dates on which these individuals retired.

10. The only argument that is advanced on behalf of the Respondents for denying *ex-gratia* payment to the concerned petitioners based on the enhanced retirement age is that their application for retirement was accepted even before the order enhancing the age of retirement was notified. There is no dispute for the Respondents regarding the manner in which *ex-gratia* payment should have been calculated in case the age of retirement was considered as 60 years rather than 58 years. Clause-V(i) of the special voluntary retirement scheme is very clear. As per this clause, *ex-gratia* payment equivalent to 1.5 months emoluments for each completed year of service in the Corporation or the monthly emoluments at the time of retirement multiplied by the balance months of service left before normal date of retirement whichever is less is payable. So the question is what is the normal age of retirement of the concerned petitioners, whether it is 58 or 60.

11. The counsel for the petitioner has referred to the decision of the High Court of Bombay in Writ Petition No. 1385 of 2001 marked as Ext.W 13 and also the order of High Court of Madras in W.A. 1047 of 2010 in this respect. The question that was considered in both the above decisions was the same and the Central Warehousing Corporation, the Respondent in the present proceedings was one of the Respondents in those matters also. The High Court of Bombay was extracted Clause-V(i) of the Special Voluntary Retirement Scheme of the Respondent and has held:

5. Perusal of the above clause shows that for the purpose of determining benefits under the scheme the balance months of service left before normal date of retirement means the date of retirement is to be taken into consideration. Now turning to the term normal date of retirement means the date of retirement as per the Service Rules which were in force on the date on which the employee concerned retired. That position is made further clear by the Note which appears below V. That Note reads as under:

### NOTE:

The Compensation/*ex-gratia* payment as mentioned in Clause-V(1) above will be paid by the Corporation in lump-sum immediately on acceptance of the request for voluntary retirement and actual relief from the service of the Corporation. "The Actual Pay" drawn by the employee just before the date of voluntary retirement (irrespective of the fact whether the employee is on probation on a higher post) shall be taken into account for calculating the compensation. Apart from the amount to be determined as mentioned above, under the voluntary retirement scheme benefits which would accrue to them under any revision of wage/pay structure would also be admissible.



6. Perusal of above "Note" makes the position clear that for arriving at the payment, "the actual pay drawn" by the employee on the date of retirement is taken into consideration. It means that for the purpose of calculating benefits conditions of service existing on the actual day of retirement are to be taken into consideration. If that is so, it is clear that as on 30th June, 1998 because of amendment of the Service Rules with effect from 28.05.1998, the age of retirement was 60 years and not 58 years, and therefore, the petitioner was entitled to have her benefits calculated under the Special Voluntary Retirement Scheme on the footing that her age of retirement is 60 years. So far as defence taken by the respondents is concerned, in our opinion, bare reading of the order dated 27.04.1998 makes the position clear and beyond reasonable doubt.

In writ Appeal 1047 of 2010 to Madras High Court has referred to the decision of the Bombay High Court and has taken the same view. In this case the application for voluntary retirement was accepted by the competent authority on 03.04.1998. The Hon'ble High Court has observed:

Thought the said application was accepted by the competent authority on 03.04.1998 the fact remains as could be seen from the order of relieving dated 01.06.1998, that the petitioner was relieved from duty from the service of the Corporaion only w.e.f. 01.06.1998 (AN). If that be so he should be considered to be in service till 01.06.1998 (AN). In the meantime the rule has been amended by enhancing the age of retirement from 58 to 60 years which came into force on the date of application in the official gazette on 28.05.1998. There is no communication by way of any circular that even such of those officials who have already availed the benefits of the scheme and opted to go on voluntary retirement prior to the enhancement of retirement age would be entitled for the monetary benefits as if their age of retirement was 58 years only. In the absence of the same the appellant who had opted for Voluntary Retirement Scheme as per the original conditions stipulated by circular dated 24.02.1998 would be deemed to be in service even though his application for voluntary retirement was accepted. In such an event the petition would be entitled to the monetary benefits calculated as if his age of retirement is 60 years.

12. The counsel for the Respondents has referred to the decision of the Madras High Court in WP Nos. 7053 to 7055 of 2013 in which cases also the Central Warehousing Corporation was the Respondent and the claim of the petitioners was of the same nature. These Writ Petitions claiming benefit treating their age of retirement as 60 years was rejected by the Hon'ble Court. However, because of the decision of the Division Bench of the Madras High Court as per Ext.W14 the same is to be followed.

13. All the concerned petitioners were relieved from service by the Respondents only after the order enhancing the age of retirement was notified. The notification

enhancing the age of retirement was published on 28.05.1998 so enhanced retirement age has come into effect from this date. All the concerned petitioners were still in service as on that date. So they would be eligible for payment of ex-gratia calculated as if their retirement age is 60 years. So, the peititioners are entitled to the relief claimed.

14. Accordingly an award is passed as follows:

The Respondents are directed to calculate the ex-gratia payment to peititioners 1 to 4 treating their age of retirement as 60 years and pay the monetary benefits, if any, due to them on such calculation, within a month of the publication of the award. The amount due to the deceased petitioner is payable to petitioner's 5 to 7, the legal representatives. In default of payment of the amount within the prescribed time the amount will carry interest @ 9% per annum from the date of award.

The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 6th October, 2015)

K.P. PRASANNA KUMARI, Presiding Officer

#### **Witness Examined:**

for the 1st Party/Petitioners : WW1, Sri C.  
Kaliyaperumal

For the 2nd Party/Management : MW1, Sri A.T. Sankar

#### **Documents Marked:**

##### **On the petitioner's side**

Ex.No.	Date	Description
Ext.W1	24.02.1998	Copy of Circular No. 3821 issued by the Respondent Corporation
Ext.W2	-	Copy of Office Order issued by the Respondent Corporation in respect of K.R. Sundararaman
Ext.W3	28.04.1998	Copy of Office Order issued by the Respondent Corporation in respect of N. Sugavanam
Ext.W4	20.05.1998	Copy of Office Order issued by the Respondent Corporation in respect of N. Sugavanam
Ext.W5	28.05.1998	Copy of Office Order issued by the Respondent Corporation in respect of C. Kaliyaperumal
Ext.W6	30.05.1998	Copy of Circular No. 40/98 issued by the Respondent Corporation
Ext.W7	30.05.1998	Copy of Relieving Order issued in respect of S. Mariya Michael
Ext.W8	30.05.1998	Copy of Relieving Order issued in respect of N. Sugavanam



Ext.W9	26.06.1998	Copy of Relieving Order issued in respect of C. Kaliyaperumal
Ext.W10	14.07.1998	Copy of Office Order issued in respect of S. Maria Michael
Ext.W11	24.07.1998	Copy of Part-II Office Order issued by the Respondent Corporation
Ext.W12	03.07.1998	Copy of Office Order issued in respect of K.R. Sundararaman
Ext.W13	01.10.2009	Copy of judgement of the Hon'ble Bombay High Court in W.P. No. 1385/2001
Ext.W14	26.09.2011	Copy of judgement of the Hon'ble Madras High Court in W.A. No. 1047/2010
Ext.W15	26.03.2012	Letter from Respondent Corporation to General Secretary, Central Warehousing Corporation Retired Officials Welfare Association
Ext.W16	10.02.2014	Letter from Respondent Corporation to General Secretary, Central Warehousing Corporation Retired Officials Welfare Association

**On the Management's side**

Ex.No.	Date	Description
Ext.M1	20.06.2014	High Court of Madras WP Nos. 7053 to 7055 of 2013

नई दिल्ली, 20 अक्टूबर, 2015

**का.आ. 2065.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स यूरेनियम कार्पोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद के पंचाट (संदर्भ संख्या 64/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/10/2015 को प्राप्त हुआ था।

[सं एल-42012/10/1999-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 20th October, 2015

**S.O. 2065.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 64/2000) of the Central Government Industrial Tribunal/Labour Court-1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of M/s. Uranium Corporation of India and their workman, which was received by the Central Government on 15/10/2015.

[No. L-42012/10/1999-IR(M)]

NAVEEN KAPOOR, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/s. 10 (1) (d) (2A) of I.D. Act, 1947

**Reference: No. 64/2000**

Employer in relation to the management of Uranium Corporation of India Ltd.

AND

Their workmen

Present: Sri R.K. Saran, Presiding Officer

**Appearances:**

For the Employers : Shri P.R. Rakshit Advocate

For the workman : None.

State : Jharkhand Industry: Uranium Mines

dated 16/9/2015

**AWARD**

By order No. L-42012/10/99/IR (M) dated 24.01.2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Uranium Corporation of India Ltd, Jadugoda to appoint Shri Md. Asraf as a casual labour and withhold his annual increment is justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference both parties are noticed. But appearing for certain dates, none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence pass a No disputed Award is passed. Communicate to the Ministry.

R.K. SARAN, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2015

**का.आ. 2066.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इंडियन ऑयल कार्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके

कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ संख्या 799/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/10/2015 को प्राप्त हुआ था।

[सं एल-30011/44/2004-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 20th October, 2015

**S.O. 2066.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 799/2005) of the Central Government Industrial Tribunal/Labour Court-2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s IOC Ltd. and their workman, which was received by the Central Government on 15/10/2015.

[No. L-30011/44/2004-IR(M)]

NAVEEN KAPOOR, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sri Kewal Krishan, Presiding Officer

**Case No. I.D. No. 799/2005**

Registered on 6.9.2005

The Secretary, Contract Labour Union (AITUC) IOC Ltd., Nabha, Distt. Patiala-Nabha.

...Petitioner

#### Versus

1. The Chief Plant Manager, IOC Ltd., Gas Plant, Nabha Distt., Patiala.
2. M/s Hindustan Fabricators & Contrs. (Through Sh. Ram Phal Begampur), Distt. Patiala, Nabha.

...Respondents

#### APPEARANCES:

For the workman : Sh. H.S. Hundal Adv.

For the Management : Sh. Parminder Singh for  
Resp. No.1  
Sh. Paul. S. Saini for  
Resp. No. 2

#### AWARD

Passed on 8.9.2015

Vide Order No. L-30011/44/2004-IR(M), dated 16.6.2004 the Central Government in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (in short Act) has referred the following industrial dispute for adjudication to this Tribunal.

"Whether the action of the management of Hindustan Fabricator & Contractor, Haulage Contractor and Chief Manager Plant, Gas Plant, OPC; Nabha in terminating the services of 25 ex-temporary labourers w.e.f. 19.11.2003 in respect of 3 workers and 20.12.2003 in respect of 22 workers without complying with the provisions of Sections 25-F, G & H of the I.D. Act, 1947, is just and legal? If not, to what relief the concerned workmen are entitled to and from which date?"

In response to the notice, the workmen submitted statement of claim. Respondent No. 1 and 2 filed separate written statement.

The facts emerging are that respondent No. 2 gave contract for incidental jobs such as Gardening, house-keeping, loading/unloading, cutting of grass, etc. and awarded the contract (work order) on 13.6.2003 to respondent No. 1 for a period of two years, which was extendable for a further period of one year. It is not denied that respondent No. 1 engaged the workmen as mentioned in Annexure-A1 to carry out the contract.

Now, according to the Union, it filed a complaint before the Assistant Labour Commissioner, against the contractor for not complying with the Labour Laws and on that account, respondent No. 1 terminated the services of three persons namely Gural Singh, Harvinder Singh and Kulwinder Singh on 19.11.2003, and 22 workers on 20.12.2003 as mentioned in Annexure A-1.

The termination is illegal as no retrenchment compensation was paid to them and the management employed new persons as find mentioned in Annexure A2 after terminating the services of the workmen. Since the termination is illegal, they be reinstate in service.

The stand taken by respondent No. 1 is that he is a licensed contractor *vide* licence dated 13.6.2003 (Annexure-R1) and the workmen suddenly stopped coming on the duty without any reasons and voluntarily abandoned the services. When workmen did not join the duty, he engaged other persons. He re-employed the persons who came to join the duty out of the workmen in question.

Respondent No. 1, *vide* its separate written statement pleaded that there was no contract between the workmen and respondent No. 1 and respondent No. 2 was given contract for the incidental jobs.

Parties were given opportunities to lead the evidence.

In support of his case, Jagsir Singh one of the workmen appeared in the witness-box and filed his affidavit reiterating the stand taken by the workmen-union.

On the other hand, Respondent No. 2 has examined Mr. Vishal who filed his affidavit reiterating the stand taken by respondent No. 2.

Ramphal, proprietor of respondent No. 1, appeared in the witness-box and filed his affidavit supporting the stand as set up in the written statement.

The learned counsel for the workman has contended that the contractor *i.e.* respondent No. 1 has not maintained the seniority-list and contravened the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 and he terminated the services of the workmen without paying any compensation and therefore, the termination is illegal and they be reinstated in service.

It may be added that if the contractor did not comply with any provision of the said Act, the same do not ipso facto entitle the workmen for reinstatement in service. The definite case set up by the workmen was that the services were terminated without paying the retrenchment compensation and respondent No. 1 engaged new persons without giving them any notice and as such the retrenchment is illegal.

As per section 25F of the Act, no workman who has been continuous service for not less than one year shall be retrenched until the conditions as mentioned in the said Section are fulfilled. In order to calculate continuous service for one year, the workmen had to work for 240 days in a calendar year.

It is the case of the workmen themselves that respondent No. 1 was given contract in June, 2003 and their services were terminated on 19.11.2003 and 20.12.2003.

If calculated, their working days are less than envisaged under the law to entitle them to receive the retrenchment compensation.

It is definite case of respondent No. 1 that he did not terminate the services of the workmen but they themselves abandoned the job. These assertions are reiterated by Mr. Ram Phal, proprietor of respondent No. 1, while appearing in the witness-box. His statement remain unchallenged on the file as he was not cross-examined regarding this fact. Thus, the statement of Mr. Ram Phal prove that it was the workmen who abandoned the job. In the circumstances, if the contractor has employed certain other persons in place of the present workmen to carry out the contract, the same do not confer any right on the workmen to get the employment, as they themselves are guilty of abandoning the job.

In result, it is held that since respondent No. 1 did not terminate the service of the workmen and therefore, any action on his part cannot be termed as illegal. Similarly the workmen were never employees of respondent No. 2 who did not terminate their services.

Being so, the workmen are not entitled to any relief and the reference is answered accordingly.

Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2015

**का.आ. 2067.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स जी.सी. पाण्डेय एण्ड कं. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद के पंचाट (संदर्भ संख्या 211/1994) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.10.2015 को प्राप्त हुआ था।

[सं० एल-29012/37/1993-आई आर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 20th October, 2015

**S.O. 2067.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 211/1994) of the Central Government Industrial Tribunal/Labour Court-1, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. G.C. Pandey & Co. and their workman, which was received by the Central Government on 15/10/2015.

[No. L-29012/37/1993-IR(M)]

NAVEEN KAPOOR, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of  
**I.D. Act, 1947**

**Ref. No. 211 of 1994**

Employer in relation to the management of  
G.C. Pandey & Co.

**AND**

Their workmen

**Present:** Sri Ranjan Kumar Saran,  
Presiding Officer

**Appearances:**

For the Employers : None

For the workman : None

State: Jharkhand

Industry: Coal  
Dated: 18/9/2015

**AWARD**

By Order No. L-29012/37/1993-IR (M), dated 10/08/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

"Whether the action of the management of M/S G.C. Pandey (Quarry owner) in terminating the service of Prabal Kumar Mukherjee and denying him to take back in service with full back wages is justified and legal? If not, to what relief the workman is entitled"

2. After receipt of the reference the parties are noticed. Though they took steps for certain dates, subsequently did not appears nor take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No Dispute Award is passed.

R.K. SARAN, Presiding Officer

नई दिल्ली, 13 जुलाई, 2015

**का.आ. 2068.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एतद्द्वारा कोरिगेण्डम ऑफ पुरस्कार प्रकाशित करता है (संदर्भ संख्या 47/2007) भारत संचार निगम लिमिटेड, डाल्टेनगंज के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद के पंचाट (संदर्भ संख्या 47/2007) सुबेटेड फॉर publication, at page नंबर 7

इन द लिस्ट ऑफ वर्कमैन, serial number 57 आई ई द नाम ऑफ वर्कमैन मे बे रीड अस santhosh कुमार सोन ऑफ श्री सरजू ram, sahpur, चैनपुर, डिस्ट्रिक्ट पलामू प्रकाशित करती है जो केन्द्रीय सरकार को 07/07/2015 को प्राप्त हुआ था।

[सं० एल-40011/27/2007-आई आर (डीयू)]  
पी.के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 13th July, 2015

**S.O. 2068.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the corrigendum of the award (I.D. No. 47 of 2007) of the Central Government Industrial Tribunal Cum-Labour Court-1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Ltd., Daltengunj and their workmen, the award submitted for publication at page No. 7 in the list of workmen, Sl. No. 57 i.e. the name of the workman may be read as Santhosh Kumar S/o Sri Sarju Ram, Sahpur, Chainpur, Distt. Palamu, which was received by the Central Government on 07/07/2015.

[No. L-40011/27/2007-IR(DU)]

P. K. VENUGOPAL, Section Officer

**अनुबंध**

केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम-न्यायालय सं. 1,  
धनबाद

संदर्भ सं. 47/2007/1093

दिनांक 14.10.2015

प्रबंधन, बी.एस.एन.एल., डाल्टेनगंज

एवं

उनके कामगार

विषय: संदर्भ संख्या 47/2007 के शुद्धिपत्र के विषय में

आदेश संख्या L-40011/27/2007 IR(DU) दिनांक 08/07/2014

महाशय,

पत्रांक संख्या 47/2007/749 दिनांक 08/07/2014 के तहत पंचाट प्रकाशन के लिए प्रस्तुत किया गया जिसके निरंतरता में, कामगार की सूची में पंचाट के पृष्ठ संख्या 7 में टंकन/लिपिकीय त्रुटि के कारण कर्मकार का नाम सीरियल नंबर 57 में छूट गया है (आवेदन संलग्न) जो आपके पत्रांक सं. एल 40011/27/2007 आई आर (डी.यू.) दिनांक 4 अगस्त 2015 के तहत हिन्दी में मांगा गया था निम्नलिखित रूप में है सुधार कर दिया जाए।

क्रम सं.	कर्मकार का नाम	पिता का नाम	स्थायी पता	अस्थायी पता	कार्य की अवधि	कार्य का विवरण	कार्य का स्थान
57.	संतोष कुमार	श्री सरजू राम	सहपुर, चैनपुर जिला- पलामू	-	2005	हेल्पर	डाल्टेगंज

उपरोक्त अशुद्धि को सुधार कर शुद्धि पत्र यथाशीघ्र प्रकाशित किया जाय।

आर.के. सरन, पीठासीन पदाधिकारी

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, DHANBAD

Ref. No. 47/2007/700

Dated 07-7-2015

**Parties:** Employers in relation to the management of BSNL, Daltengunj

**And**

Their workmen

Sub. Issuance of Corrigendum in Ref. No. 47 of 2007

Order No. L-40011/27/2007 IR (DU) dated 20.09.2007

Sir,

In continuation of letter No. 47/2007/749 dated 08/07/2014, award submitted for publication but a typographical/clerical error pointed out in the award page No. 7 in the list of workmen. Sl. No. 57 i.e. the name of the workman is left, detailed is as under (petition enclosed) may be corrected.

Sl. No.	Name of worker	Father's name	Permanent Address	Tem. Add.	Date from work	Description of work place
57.	Santosh Kumar	Sri Sarju Ram	Sahpur, Chainpur Distt.-Palamu	-	2005	Helper Daltongunj

This may be corrected and corrigendum be published in urgent basis.

R.K. SARAN, Presiding Officer

भारत संचार निगम लिमिटेड

दैनिक भोगी मजदूर संघ

पलामू प्रमंडल ( डालटनगंज ) झारखण्ड

Before

The Presiding Officer,

C.G.I.T. No. 1,

Dhanbad.

Ref. No. 47 of 2007.

Order No. L-40011/27/2007-IR (DU) Petition for issuance of a corrigendum by the Ministry of the Award

The employer in relation to the management of Bharat Sanchar Nigam Ltd., Daltengunj.



Vrs.

Their Workmen

It is submitted that the Award was passed on 04.07.14 as per Schedule entrusted by the Ministry as under:—

#### SCHEDULE

"Whether the demand of Dainik Bhogi Mazdoor Sangh for regularisation of services of Sri Sanjeev

Kumar & 109 other workmen, as per annexure, by the management of B.S.N.L., Ranchi and Daltenganj is legal and justified. If yes, to what relief the workmen are entitled to and from which dates.

That, the Award contain the name of all the persons but by in advertance being clerical error the Sl. No. 57 i.e. the name of the person concerned could not be reflected with the details as under:—

Sl. No.	Name of Worker	Father's Name	Permanent Address	Temporary Address	Date from Work begins	Description of work	Work Place	Work supervisory officer
57	Santosh Kumar	Sarju Ram	Sahpur, Chainpur, Dist.-Palamu	—	2005	Helper	Daltanjanj	SDE Phones

It is very humbly prayed on behalf of the above named Awardee that his name with details as above available in the record may be got incorporated by issuance of a corrigendum so that he may also be in a position to get the benefit of the award alongwith other co-awardees.

And for this the Union shall ever pray.

Sudama Paul, President

Dainik Bhogi Mazdoor Sangh of B.S.N.L. Palamu

#### VERIFICATION

I, Sudama Paul do hereby declare that the facts and details mentioned above are true to the best of my/our knowledge, belief and information available as per record.

I sign this verification today at Dhanbad on 3rd day of July, 2015.

Sudama Paul, President

Dainik Bhogi Mazdor Sangh of B.S.N.L. Palamu

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2069.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 19/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 20/10/2015 को प्राप्त हुआ था।

[सं० एल-40012/106/2006-आई आर (डीयू)]

पी०के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 23rd October, 2015

**S.O. 2069.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award (I.D. No. 19/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 20.10.2015.

[No. L-40012/106/2006-IR (DU)]

P.K. VENUGOPAL, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, LUCKNOW

#### PRESENT

RAKESH KUMAR,

Presiding Officer

I.D. No. 19/2007

Ref. No. L-40012/106/2006-IR (DU) dated 14.05.2007

#### BETWEEN

Sri Shailendra singh S/o Sri Rampal Singh

Through Sri M.K. Singh, R/o A-927/3 A Block Indira Nagar Lucknow

#### AND

The Sub-Divisional Engineer Phones (Ext.) Central BSNL

Kaiser Bagh

Lucknow

#### AWARD

1. By order No. L-40012/106/2006-IR (DU) dated 14.5.2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-



section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial disputes between Sri Shailendra singh S/o Sri Rampal Singh, Indira Nagar, Lucknow and the Sub-Divisional Engineer Phones (Ext.) Central, BSNL, Kaiser Bagh, Lucknow for adjudication.

2. The reference under adjudication is:

"Whether the action of the Management of BSNL, Lucknow in terminating the services of their workman Sri Shailendra Singh *w.e.f.* 01.06.2005, is legal and justified? If not, to what relief the workman is entitled to?"

3. As per the claim statement, the applicant in brief has stated that he was appointed for cleaning work in the Telephone Exchange, Charbagh on 01.07.2000 under the subordination of SDO Phones, Central Lucknow, no appointment letter in writing was ever given to him, neither any letter was issued, that he was appointed on contract on some project and he would be engaged there as per the requirement and his services would be terminated after completion of work. It has been stated therein that as per the directions of the SDO Phones, he had been working there with sincerity and honesty and there was no occasion for any complaint regarding his work or conduct, his attendance was procured in the attendance regarding, at the end of every month. The payment was ensured to him on ACG Form 17, and signatures were also obtained. The workman has stated that he had worked up to 01.06.2005 continuously without any break, and he had worked for more than 240 days in every year which is covered under Section 25B of the I.D. Act and his rights are projected there by, he was also entitled for getting the facility of TSM, and in this regard the required report was also sent from time to time, the workman has also made several representation and personally met the competent authorities but his representation was not decided neither he was given temporary status of TSM, rather on being aggrieved for his request for regularization the opposite party terminated him from service on 01.06.2005. For being not given the status of TSM neither for regularization he had moved before the Asstt. Labour Commissioner (C) Lucknow through union on 22.04.2005 the conduct of the opposite party caused financial loss to the workman since his services were terminated without any reason without following the prescribed procedure under law in accordance with I.D. Act, in violation to the provisions contained in Section 33 A of the Act.

4. It has further been stated in the claim statement that the conduct of the opposite party is prime-facie nul and void illegal and liable to be set aside. Since no prior information or notice was given to him, neither any retrenchment compensation was given to him, Section 25F was violated. The workman has prayed that he has moved under Section (2A) of the I.D. Act for redressal of his

grievance, and he has prayed for setting aside the termination order with reinstatement and payment of back wages etc.

5. The workman has filed certain document as per list C-10.

6. The opposite party has filed written statement M-13 wherein the main allegations of the claim statement have been denied. The opposite party has stated that the engagement of the applicant was purely on daily wages and he was engaged whenever required, he was not engaged on permanent basis, neither was he provided temporary status. The management has asserted that the applicant was never made to sign any attendance register since his engagement was purely on daily wages, there was no need of any signature on attendance register, he had never completed 240 days in any financial year and the contention of the applicant is not supported with any documentary evidence. The opposite party has admitted that prior to this case the employee had moved a application before ALC @ Lucknow, the opposite party had also submitted its version before him, it has been emphasized by the opposite party that regularization and grade of seniority are only to the confirmed employees the daily wage was only on whenever required basis, so he was not provided temporary status. The management has stressed that the claim statement of the workman is neither sustainable nor maintainable and it liable to dismissed out rightly since it lacks merit.

7. The rejoinder W015 has been filed wherein the allegations of the written statement have been denied and the pleas raised in the claim statement have been reiterated.

8. The workman Shailendra Singh filed his affidavit W-16 and he was duly cross-examined by the management. The opposite party has not adduced any evidence.

9. Arguments of both the parties heard at length and record has been scanned thoroughly.

10. The authorized representative of the workman has contended that the workman worked continuously from 01.07.2000 to 01.06.2005 for more than 240 days in each year and the action of the management of BSNL, in terminating his services, without any notice or notice pay was in violation of provisions of Section 25 F of the Industrial Disputes Act, 1945. It has also been argued by the workman's representative that the workman moved a compliant before Assistant Labour Commissioner (Central), Lucknow on 22.4.2005 for not granting him temporary status and not regularizing him and the management without following legal procedure terminated his services during pendency of above complaint, which amounts to violation of provisions of Section 33 A of the Act.

11. In rebuttal, the authorized representative of the management has submitted that the workman had been engaged by the department as daily wage as and when required and was paid accordingly. It has been contended

by the management that the workman had never been engaged on permanent basis nor was given temporary status and he never completed 240 days of regular and continuous work in any financial year.

12. I have given my thoughtful consideration to the rival contention of the parties' representative and perused record available on file.

13. The case of the workman is that he had been engaged with the opposite parties without any formal appointment order and was made payment through ACG-15 form. It is also the case of the workman that he worked continuously since 01.07.2000 till 01.06.2005 when his services have been terminated by the management of BSNL without any reason or rhyme in violation to the provisions contained in 25F as he worked for more than 240 days in each calendar year. Further, it is also the case of the workman that his termination during pendency of his complaint case before the Assistant Labour Commissioner (Central) was in violation to the provisions of Section 33 A of the Act.

Per contra, the opposite party management has come up with a case that the workman had been engaged as daily wagger as and when required and was paid accordingly. The management has submitted that the workman was never been engaged permanently or granted temporary status.

14. The workman in order to prove his contentions has filed photocopy of numerous documents, including details of his working, paper No. 10/4, purported to be a letter dated 24.5.2001, which shows that the workman had worked as Part Time Casual Labour *w.e.f.* 01.07.2000 to 30.05.2001 for 6 hours per day. There is also a document on record, paper No. 10/7 which shows that the working hours was erroneously been mentioned as 6 hours instead of 8 hours. The workman also filed paper No. 10/11 to 10.14 regarding left out cases of casual labours; wherein the name of workman finds is reference. Apart from above the workman has also filed office order dated 06.07.2000 whereby his duty hours have been raised to full time, 8 hours. The workman has adduced himself in support of his pleadings and documentary evidence and was cross-examined by the authorized representative of the management.

The workman was cross-examined on 08.08.2011 and the management was extended opportunity to adduce its oral evidence; but the management did not avail the same in spite of ample time has been provided. Ultimately, the opportunity of management evidence was closed *vide* order dated 23.08.2013 and date was fixed for arguments. The management did not bother to recall the order dated 08.08.2011; however it argued their case.

15. The workman union has well proved its case by submitting the affidavit; wherein he has stated that he had been engaged with the opposite parties without any appointment order and was made payment through ACG-17 form. It is also the case of the workman that he worked

continuously since 01.07.2000 till 01.06.2005 when his services have been terminated by the management of BSNL without any reason or rhyme in violation to the provisions contained in 25 F as he worked for more than 240 days in each calendar year.

16. Though the management of the BSNL has disputed the claim of the workman by filing a written statement but has failed to substantiate its pleadings by the way of evidence *i.e.* by filing any affidavit or by producing its witness for examination/cross-examination. Moreover, it utterly failed to file any documentary evidence in support of its contentions and to cross-examine the workman's witness. Therefore, in view of the law laid down by Hon'ble Apex Court in (2006) 3 SCC 276 *State of U.P. vs. Sheo Shanker Lal Srivastava & others*; the statement of the witness, having not been controverted would be deemed to be admitted, there is no reason to disbelief the statement of the workman.

17. In view of the discussions made above, I am of considered opinion that the workman, Shailendra Singh was engaged on daily wages by the management of BSNL and was later converted into full timer and he worked continuously for more than 240 days in a year preceding the date of his alleged termination on 01.06.2005, without any notice or notice pay in lieu thereof, in violation to the provisions of Section 25F of the Act. Further, from perusal of the records it is evident that the workman earlier moved a compliant regarding regularization of his services, which was referred to this Tribunal for adjudication *vide* order dated 15.11.2006, which was registered as I.D. case No. 33/2006; whereas the workman had been terminated *w.e.f.* 01.06.2005, which goes to prove the contravention of the workman that his services have been terminated in contravention to the provisions contained in Section 33 A of the Act.

18. Hon'ble Allahabad High Court in *State of U.P. vs. Mahendra Pal Singh & another* 2012 (2) ALJ 325 while scrutinizing the validity of the award of the Labour Court found that the findings of the Labour Court were not perverse; wherein the Labour Court drawn out a finding that the workman had continuously worked for more than 240 days in clalendar months prior to termination of his services; and the termination of services was without any notice and without payment of retrenchment compensation; and accordingly, Hon'ble High Court held that the relief of reinstatement with 60% of back wages, awarded by the Labour Court was justified. Hon'ble High Court in para 47-50 of its judgment, has referred decision of Hon'ble Apex Court in *Krishan Singh Vs. Executive Engineer, Haryana State Agricultural Marketing Board, Rohtak (Haryana)* (2010) 3 SCC 637; (AIR 2010 SC (Supp) 787 as under:

“47. ....the appellant worked as a daily wagger under the respondent from 1.6.1988. His services were terminated in December, 1993. He served a notice of demand dated 30.12.1997 on the respondent

contended that his services were terminated orally without complying with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) and that he may be reinstated in service with full back wages from the date of illegal termination and he may be regularized accordingly to the Government policy. The respondent did not respond to the demand made by the appellant and by order dated 23.7.1999, the State Government referred the dispute under Section 10 of the Act to the Labour Court. Thereupon the Labour Court passed the award dated 18.7.2006 holding that the appellant had admittedly completed 267 days from 1.6.1988 to 30th April, 1989 and his services were terminated without any notice or notice pay and without payment of retrenchment compensation and the termination was, therefore, in violation of Section 25-F of the Act and the appellant was entitled to be reinstated in his previous post with continuity of service and 50% back wages from the date of demand notice i.e. 30.12.1997.

48. The respondent challenged the award of the Labour Court before the High Court of Punjab and Haryana, in writ petition and by order dated 9.12.2008, High Court allowed the said writ petition and set aside the award dated 18.7.2006 of the Labour Court and directed the respondent instead to pay compensation of Rs. 50,000/- to the appellant. Aggrieved by order dated 9.12.2008 of the High Court, the appellant filed appeal before the Apex Court. By placing reliance upon earlier decision rendered by the Apex Court in the case of Harjinder Singh (supra), I allowed the appeal and set aside the impugned order dated 9.12.2008 passed by the High Court and directed that the appellant will be reinstated as a daily wager with 50% back wages forthwith.

49. While dealing with the question of discretionary powers of the Labour Court, in para 17 of the decision, Hon'ble Apex Court has observed as under:

“17. Wide discretion is, therefore, vested in the Labour Court while adjudicating an industrial dispute relating to the discharge or dismissal of a workman and if the Labour Court has exercised its jurisdiction in the facts and circumstances of the case to direct reinstatement of a workman with 50% back wages taking into consideration the pleadings of the parties and the evidence on record, the High Court in exercise of its power under Articles 226 and 227 of the Constitution of India will not interfere with the same, except on well settled principles laid down by this Court for a writ of certiorari against an order passed by a court or a tribunal.”

50. In the said case while drawing distinction between the cases of this nature and State of Karnataka Vs. Umadevi (2006) 4 SCC 1 : (AIR 2006 SC 1806 SC 1806) in para 22 of the said decision Hon'ble Apex Court held as under:

22. The decision of this Court in State of Karnataka v. Umadevi (3) cited by the counsel for the respondent relates to regularization in public employment and has no relevance to an award for reinstatement of a discharged workman passed by the Labour Court under Section 11-A of the Act without any direction for regularization of his services.”

19. Thus, in view of the facts and circumstances of the case, discussions made hereinabove and law cited above, it is established that the workman, Ashok Kumar, who was engaged as part time daily wager, which was later converted into full time engagement by the management of BSNL; and had worked for more than 240 days in a calendar year preceding the date of his termination; further that his services have been illegally terminated on w.e.f. 01.06.2005 by the management of the BSNL without following the mandatory provisions of the Section 25 F & 33 A of the Industrial Disputes Act, 1947. Therefore, I am of the considered opinion that the workman, Ashok Kumar is entitled for reinstatement with continuity in service along with 60% of back wages within 08 weeks of publication of the award, failing which; the back wages shall carry simple interest @ 8% per annum.

20. The reference is answered accordingly.

LUCKNOW RAKESH KUMAR, Presiding Officer

13th October, 2015

नई दिल्ली, 23 अक्टूबर, 2015

**का.आ. 2070.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय, चेन्नई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 104/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20/10/2015 को प्राप्त हुआ था।

[सं० एल-42025/03/2015-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 23rd October, 2015

**S.O. 2070.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D No. 104/2014) of the Central Government Industrial-Tribunal-Cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indira Gandhi National Open University, Chennai and their workman, which was received by the Central Government on 20/10/2015.

[No.L-42025/03/2015-IR (DU)]

P. K. VENUGOPAL, Desk Officer



**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI**

Friday, the 9th October, 2015

**Present:**

K. P. Prasanna Kumari, Presiding Officer

**Industrial Dispute No. 104/2014**

(In the matter of the dispute for adjudication under clause 2(A)(2)(1) of the Industrial Disputes Act, 1947 (as amended by Act-24 of 2010 w.e.f. 15.09.2010). between the Management of Indira Gandhi National Open University and Another and their workman)

**BETWEEN:**

Sri V. Thennarasu : 1st Party/Petitioner

AND

1. The Registrar : 2nd Party/1st  
Indira Gandhi National Respondent  
Open University  
Maidan Garhi  
New Delhi-110068

2. The Regional Director : 2nd Party/2nd  
Indira Gandhi National Respondent  
Open University  
Regional Centre, G.R. Complex  
3rd Floor, 407-408, Anna Salai  
Nandanam  
Chennai-600035

**Appearance:**For the 1st Party/Petitioner : M/s Balan Haridas,  
AdvocatesFor the 1st and 2nd Party/  
Respondents : M/s Genicon &  
Associates,  
Advocates**AWARD**

This is an Industrial Dispute taken for adjudication on the file under sub-section 2A of the Industrial Disputes Act, 1947 (as amended by Act-24 of 2010 w.e.f. 15.09.2010).

1. The averments in the Claim Statement filed by the petitioner in brief are as below:

The petitioner, a Graduate, was engaged to do clerical work in the post of Junior Assistant-cum-typist in the Second Respondent Centre from 1996 onwards. He worked in Chennai Regional Centre till November 2007 and was deputed to Madurai regional Centre in December 2007. After one year at Madurai he was deputed to Vijayawada Regional Centre. After three years at Vijayawada the petitioner was brought back to the Regional Centre at Chennai, in May

2011. The petitioner had been working continuously without room for any complaint. The petitioner was paid wages on daily wage basis. He was paid only for the actual working days and no weekly off wages was paid. While so, the petitioner was orally terminated on 28.06.2013. He was paid @ Rs. 467/- per day at the time and it was paid on monthly basis. The petitioner had worked continuously and is entitled to be made permanent. He had worked for more than 240 days continuously within a period of 12 calendar months. Termination of the petitioner without notice, notice pay and retrenchment compensation is in violation of Section-25(F) of the Industrial Disputes Act. Many of the juniors of the petitioner are still working in the Respondent Institution. So, termination of the petitioner is in violation of Section-25(G) of the Industrial Disputes Act also. The petitioner had given representation to the Second Respondent requesting to reinstate him. However, the petitioner did not get any reply to the representation. The petitioner has raised Industrial Dispute before the Assistant Labour Commissioner (Central), Chennai consequently. But attempt for reconciliation failed. The petitioner is entitled to be reinstated in service with full backwages, continuity of service and other attendant benefits.

2. The Respondents have filed a common counter statement contending as below:

The claim of the petitioner that he was engaged to do Clerical Work in the post of Junior Assistant-cum-Typist from the year 1996 onwards in the Second Respondent Institution is false and misleading. The Respondent Institution has a network of 40 Regional Centres which are independent of each other. Each centre is confined to its own jurisdiction for implementing all its activities. One Regional Centre cannot impose anything on other Regional Centres. There is no vacancy for the post of Junior Assistant-cum-typist at Regional Centre, Chennai. Some of the activities like admission, examinations, etc. are seasonal in nature and there would be scope to engage services of some people on daily wages to complete the task on time. The Regional Centres are permitted to engage people on daily wages during admission period, examinations, etc. The Respondent University has not issued any appointment letter or extension letter to the petitioner. The University can transfer only its permanent employees from one Regional Centre to the other. Since the petitioner is only a seasonal worker/daily wager and is not a permanent employee, the question of deputing him to another Regional Centre does not arise. Other centres might have offered to engage the services of the petitioner on daily wages. The petitioner has worked less than 240 days within a period of 12 calendar months preceding the date of his termination. As per the records, he has worked only 226 days during the period. So notice under Section-25(F) of the ID Act is not required. The Second Respondent has stopped engaging daily wagers as it does not require additional assistance. The petitioner is not entitled to any relief.

3. The petitioner has filed rejoinder denying all allegations in the counter statement and reiterating his case in the Claim Statement.

4. The evidence in the case consists of oral evidence of WW1 and documents marked as Ext.W1 to Ext.W50. The Respondents did not adduce any evidence either oral or documentary.

**5. The points for consideration are:**

- (i) Whether the termination of the petitioner from the service of the Second Respondent is illegal and unjustified?
- (ii) Whether the petitioner is entitled to the relief of reinstatement as claimed?

**The Points**

6. The petitioner who had been working with the Second Respondent in the post of Junior Assistant-cum-typist on daily wages is said to have been illegally terminated from service on 28.06.2013. He has claimed the relief of reinstatement with backwages and other benefits. The Respondents have contended that the petitioner was only a daily wager, that he has not completed 240 days of work days in the Second Respondent establishment in the 12 calendar months preceding the date of termination and therefore he is not entitled to the relief of reinstatement. It is further contended by the Respondents that at present there is no necessity for daily wagers in the establishment since seasonal work in the University has come down and for this reason also the petitioner could not be reinstated in service.

7. The petitioner has filed affidavit asserting his case in the Claim Statement. As seen from the Claim Statement and Affidavit the petitioner had started working with the First Respondent establishment in the year 1996 itself. Initially he was engaged by the Second Respondent, the Regional Centre of the First Respondent at Chennai. Then he is said to have been shifted to the centre at Madurai and then to Vijayawada where he worked for about 3 years. He was then brought back to Chennai in May 2011 and he is said to have worked continuously at Chennai Centre until 28.06.2013 on which date he was terminated from service.

8. It is not disputed by the Respondents that the petitioner had worked with the second Respondent until 28.06.2013. However, according to the Respondents each Regional Centre would be engaging persons independently. It was not a question of the petitioner being deputed from one centre to the other.

9. The documents produced by the petitioner would show that he had been working with the First Respondent University from 1996 itself. Ext.W1 is an order for payment of arrears to the daily wage staff including the petitioner. This order pertains to the period from 01.07.1996 to 31.03.1998. Ext.W6 is the acquittance regarding daily wage

payment to the petitioner and another in May 2003. Ext. W7 is the copy of Attendance Register of Daily Wage Staff for May 2003 in which the name of the petitioner also appears. Ext.W8 shows that the petitioner also was hired for clerical work during April 2004. Other documents would also show that the petitioner was working with the Respondents all along.

10. Exts.W15 and Exts.W16 are two certificates given by the Regional Directors of Chennai and Madurai Centres respectively to the petitioner. Ext.W15 states that the petitioner has been working as Daily Wager since 1996. Ext.W16 states that the petitioner has worked at Madurai Centre from 10.12.2007 to 08.08.2008. Ext.W17 is the representation by the petitioner to the Regional Director at Vijayawada to regularize him as Attendant in the Centre at Vijayawada. This was rejected, as seen from Ext.W18. The petitioner seems to have continued as daily wager at Vijayawada and subsequently at Chennai Centre again.

11. The petitioner has claimed that he has worked for more than 240 days continuously within a period of 12 calendar months and therefore his termination without notice, notice pay or compensation is in violation of Section-25(F) of Industrial Disputes Act. Though the documents produced by the petitioner would show that he was working at one or other Centres of the First Respondent continuously, these documents would not show that he had worked for more than 240 days continuously in any 12 calendar months as a daily wager. The case that is put forth by the Respondents is that the petitioner had worked only for 226 days in the 12 calendar months preceding his date of termination and thus he having failed to complete 240 days of working days in the establishment, there is no violation of Section-25(F) of the ID Act in terminating him. As already stated, documents produced by the petitioner will show that he had been working for the First Respondent at its various centres including the Second Respondent from 1996 onwards. However, documents would not disclose that he was in continuous service for more than 240 days as stated under Section-25(B)(2)(ii) of the ID Act in which case alone he will be entitled to notice, notice pay, compensation, etc. The counsel for the petitioner has argued that the petitioner has placed whatever evidence available before this Court regarding his continuous service and thus he has discharged his initial burden of proving that he was in continuous service. According to the counsel, the petitioner having discharged his burden it has shifted on the Respondents to prove that the petitioner actually did not work for 240 days within 12 calendar months preceding the termination. In this respect the counsel has referred to two decisions of the Apex Court. In the decision KANPUR ELECTRICITY SUPPLY CO. LTD. VS. SHAMIM MIRZA reported in 2009 1 SCC (L&S) 70 the Apex Court has held that it is trite that the burden to prove that a claimant was in the employment of the particular

management primarily lies on the person who claims to be so, but the degree of proof so required varies from case to case. It is neither feasible nor advisable to lay down an abstract rule to determine the employer-employee relationship but it is essentially a question of fact to be determined having regard to the cumulative of the entire material placed before the adjudicatory forum by the claimant and the management, it was further held. In the decision in *Director, Fisheries Terminal Department Vs. Bhikubhai Meghajibhai Chavda* reported in 2010 1 SSC 47 the Apex Court has held that the workman having come forward and deposed that he has worked for 240 days the burden has shifted to the employer to prove that he did not complete 240 days of service in the requisite period to constitute continuous service. However, the argument advanced by the counsel for the petitioner based on the above decisions is of no consequence in view of the admission made by the petitioner during his cross-examination regarding the number of days worked by him. It is the specific case of the Respondent in the Counter Statement that the petitioner worked only for 226 days in 12 calendar months preceding 28.06.2013, the date on which the petitioner was terminated. Except for making such a statement in the counter statement the Respondents did not produce any evidence to prove this. They did not examine anybody or produce any documents to prove this aspect. But the version given by the petitioner during his cross-examination has made it unnecessary for the Respondent to produce any document or adduce or any oral evidence in this respect. The petitioner has admitted during his cross-examination that he has received Rs. 99,200/- for the last 226 days he had worked before his termination. He further admitted that this 226 days' calculation is from July 2012 to June 2013. Thus there is unreserved admission on the part of the petitioner that he had worked only 226 days in the 12 calendar months preceding the date of the termination.

12. The counsel for the petitioner has argued that weekend offs and holidays are also to be considered as days worked and if these are also added to 226 days admitted by the Respondents it would make out 240 days and therefore in any case there is violation of Section-25(F) of Industrial Disputes Act. The counsel for the Respondents met this argument by referring to the *American Express case* and other decisions that followed it in this respect. In the case of workmen of *American Express International Banking Corporation Vs. the Management of American Express International Banking Corporation* reported in AIR 1986 SC 458 it is held referring to Section-25(B)(2)(a)(ii) which is the relevant provision that the expression "actually worked under the employer" in the section cannot mean those days only when the workman worked with hammer, sickle or pen but must necessarily comprehend all those days during which he was in the employment of the employer and for which he had been paid wages under

express or implied contract of service or by compulsion of statute, orders, etc. In the decision in *Lagwad Adhikari and Others vs. Yasin Hamid Sayyad and Others* reported in CDJ 2007 BHC 1697, referring to the *American Express case* it was held that if a workman is paid on daily wages he does not get the benefit of weekly holidays and paid holidays for being taken into consideration for deciding the working days and only when a workman is monthly rated such days are counted for calculating 240 days for a continuous period of 1 year within the meaning of Section-25(B) of the Industrial Disputes Act. This was the dictum laid down in the decision in *Mukhyadhikari Nagar Parishad, Tuljapur Vs. Vishal Vijay Amrutrao* reported in CDJ 2015 BHC 1674 as well. In the present case the petitioner has stated in the Claim Statement itself that he was paid wages on daily wage basis and was paid for the actual working days and no weekly off wages was given. So the case advanced at the stage of the argument that weekly off days should also be added to the 226 days to make out 240 days would not hold good. So the case of the petitioner that there is violation of Section-25(F) of the Industrial Disputes Act could not be accepted.

13. However on the basis of the contention advanced by the petitioner that his termination is in violation of Section-25(G) of Industrial Disputes Act, the petitioner is entitled to relief. He has stated in the Claim Statement itself that many of his juniors are still working in the Respondent University. This contention is not seen denied in the Counter Statement. The petitioner has specifically stated in his Claim Statement that his juniors were retained. In spite of this the Respondents have not adduced any evidence to disprove this.

14. The counsel for the Respondent has referred to the decision of the Apex Court in *Surendranagar District Panchayat Vs. Dahyabhai Amarsinh* reported in CDJ 2005 SC 820 to meet the case of the petitioner that he is entitled to relief under Section-25(G) of the Act. In the above decision the Apex Court has observed that in the absence of regular employment of the workman the appellant was not expected to maintain seniority list of the employees engaged on daily wages and in the absence of any proof by the workman regarding existence of the seniority list and his so called seniority no relief could be given to him for non-compliance of Section-25(G) of the Act. The counsel seems to be arguing for the position that in the case of daily wagers the employers are not expected to maintain a seniority list and in the absence of any proof regarding the same the petitioner could not ask for relief under Section-25(G) of the Act. However, as already stated, the Respondent has not even questioned the contention of the petitioner that his juniors were retained in the establishment while he was sent out. No case is put forth on behalf of the Respondent that juniors are not retained. So also there is no case that in the absence of a seniority list the petitioner could not raise such a contention at all.



The absence of any plea in the Counter Statement and the absence of any evidence, oral or documentary belie the case of the Respondent. The petitioner has stated in assertive terms that he was terminated while his juniors were retained. Section-25(G) does not make any difference whether the workman is permanent, temporary or daily wager. He need not even complete 240 days of continuous service to be eligible for relief under Section-25(G). The petitioner, as could be seen from the documents, has been engaged by the Respondent from 1996 onwards. He was always engaged in one or other Regional Centres of the University. Lastly, from May 2011 onwards he had been working at the Chennai Regional Centre under the Second Respondent. It is while working here he was terminated from service retaining those who came after him. What is intended by Section-25(G) is only that the last person who was employed in the category should be sent out first whatever is the class of the workman. The action of the Respondents in terminating the petitioner was against this mandatory provision. So the petitioner is entitled to be reinstated in service.

15. On the basis of my above discussion, an award is passed as follows:

The Respondents are directed to reinstate the petitioner in service within a month of the publication of the award, with 50% backwages by the same date. Default of payment will entail interest at the rate of 9% from the date of the award.

The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this 9th October, 2015)

K.P. PRASANNA KUMARI, Presiding Officer

#### Witnesses Examined

For the 1st Party/Petitioner : WW1, Sri V. Thennarasu

For the 2nd Party/Management : None

#### Documents Marked:

##### On the petitioner's side

Ex.No.	Date	Description
Ext.W1	06.05.1998	Order regarding payment of revised wages.
Ext.W2	28.05.1998	Payment of arrears of daily wages.
Ext.W3	01.10.2001	Receipt of payment of wages.
Ext.W4	01.11.2001	Order of the Respondent for payment of wages.
Ext.W5	03.06.2003	Office note regarding wages for the month of May 2003.

Ext.W6	May 2003	Acquittance for the month of May 2003
Ext.W7	May 2003	Attendance for May 2003.
Ext.W8	06.04.2004	Office Order regarding wages for the month of March 2004.
Ext.W9	March 2004	Acquittance for the month of March 2004.
Ext.W10	March 2004	Attendance Sheet.
Ext.W11	31.10.2005	Office Order regarding wages for the month of October 2005.
Ext.W12	October 2005	Acquittance for October 2005.
Ext.W13	02.01.2006	Office Order regarding wages for the month of December, 2006.
Ext.W14	Dec. 2005	Acquittance for December 2005.
Ext.W15	23.11.2007	Certificate issued by the Regional Director of the Respondent.
Ext.W16	08.08.2008	Certificate issued by the Regional Director.
Ext.W17	11.08.2008	Representation of the petitioner.
Ext.W18	03.09.2009	Letter of the Respondent returning the application.
Ext.W19	28.04.2011	Letter from the 1st Respondent to provide details of employees engaged.
Ext.W20	02.05.2011	Letter of 2nd Respondent to the 1st Respondent regarding employment details of the petitioner.
Ext.W21	24.05.2011	Office Order allocating work.
Ext.W22	19.09.2011	Representation of the petitioner.
Ext.W23	02.12.2011	E-mail sent by student and being attended by the petitioner.
Ext.W24	14.11.2011	Letter from 1st Respondent to 2nd Respondent which was attended to by the petitioner.
Ext.W25	26.12.2011	E-mail sent by student and being attended by the petitioner.
Ext.W26	19.04.2012	Representation of the petitioner.
Ext.W27	04.05.2012	E-mail sent by student and being attended by the petitioner.
Ext.W28	03.05.2012	E-mail sent by student and being attended by the petitioner.
Ext.W29	04.05.2012	E-mail sent by student and being attended by the petitioner.
Ext.W30	04.05.2012	E-mail sent by student and being attended by the petitioner.

Ext.W31	06.06.2012	E-mail sent by student and being attended by the petitioner.
Ext.W32	06.06.2012	E-mail sent by student and being attended by the petitioner.
Ext.W33	04.07.2012	Consolidated payment statement for study centre and program study centre.
Ext.W34	05.07.2012	Consolidated payment statement for study centre and program study centre.
Ext.W35	13.07.2012	Duty Roster to the petitioner.
Ext.W36	31.07.2012	Bill for remuneration to staff for the month of July 2012.
Ext.W37	31.07.2012	Bill for remuneration to staff for the month of July 2012.
Ext.W38	03.09.2012	Bill for remuneration to staff for the month of July 2012.
Ext.W39	12.10.2012	Work allocation in the Administration, Finance and Accounts Section.
Ext.W40	15.10.2012	Consolidated payment statement for study centre and program study centre.
Ext.W41	28.05.2013	Consolidated payment statement for study centre and program study centre.
Ext.W42	17.06.2013	Consolidated payment statement for study centre and program study centre.
Ext.W43	14.03.1999	Office Order regarding Tenth Convocation.
Ext.W44	—	Plan of Work-I.
Ext.W45	—	Plan of Work-II.
Ext.W46	12.03.2002	Office Order regarding 13th Convocation.
Ext.W47	10.01.2004	Office Order of IGNOU, Regional Centre, Chennai.
Ext.W48	08.12.2011	Work Order for the B.Ed-2012 Admission Counselling.
Ext.W49	06.11.2012	Indira Gandhi National Open University Regional Centre, Chennai.
Ext.W50	29.11.2012	Work Order for the B.Ed-2013 Admission Counselling.

**On the Management's side**

Ex.No.	Date	Description
	Nil	

नई दिल्ली, 26 अक्टूबर 2015

**का.आ. 2071.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 34/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं एल-22072(398)/1993-आईआर (सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2071.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/1995) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Ambara Colliery, WCL, and their workmen, received by the Central Government on 26/10/2015.

[No. L-22072(398)/1993-IR (C-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/34/95**

Dy. General Secretary,  
Coal Mine Engineering Workers Association,  
Branch Kanhan Area, Karmveer Road,  
Ambara Colliery,  
Post Palachuri,  
Junnardeo, Chhindwara ...Workman/Union

*Versus*

Manager,  
Ambara Colliery.  
Western Coalfields Limited,  
Post Junnardeo,  
Distt. Chhindwara ...Management

**AWARD**

Passed on this 27th day of August 2015

1. As per letter dated nil by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22072(398)/93-IR (C-II). The dispute under reference relates to:

"Whether the action of the management of Ambara Colliery in dismissing Shri Surendra Singh S/o Adhar Singh Ex Driver in 1982 is justified? If not, to what relief the workman is entitled to?"

2. After receiving reference, notices were issued to the parties. Workman filed statement of claim at Page 3/1 to 3/3. Case of 1st party workman is that workman Surendra Singh S/o Azad Singh Driver was dismissed on charges of theft of coal. Chargesheet was issued to workman. Enquiry was conducted against workman on 7-1-81, report of incident was submitted to the police of Post Ambara, PO Junnardeo for offence under Section-379/34 & 474/81 was registered against workman. On 13-10-82, workman was acquitted from criminal case. Evenafter his acquittal, enquiry was conducted against him is not proper. The findings of Enquiry Officer that charges proved against workman is not legal. From report of Enquiry Officer, it is clear that workman was not present in the Enquiry Proceedings. The material witnesses Token Clerk in 3rd shift of 6-1-81 was not examined. Chakrman in Kasturba Incline present on 6-11-1981 was not present. Watchman/gate keeper, weighing clerk present on duty on 6-11-1981 were not examined. Enquiry is not legal. Workman was not supplied Slip No. 69 loading dumper No. 2794 not supplied to him. the chargesheet was issued to workman after more than 10 days of the incident of his suspension is not legal. Workman prays for reinstatement with backwages.

3. 2nd party filed Written Statement at Page 5/1 to 5/4 opposing claim of the workman. 2nd party submits that on 6-1-8 night, workman was on duty at Tipper No. MTG 2794. His slip supervisor Bhaiyalal instructed workman Shri Surendra singh to carry coal from No. 11 Incline of Mohan colliery. Instead of following the instructions of the supervisory Officer, he disobeyed the same and went to Kasturba Incline on his own. Workman submitted reply to chargesheet dated 20-11-81. Shri R.K. Singh was appointed as Enquiry Officer. Enquiry was fixed time to time on 1-2-81, 5-2-81, 1-2-81 & 20-12-81. Workman was intimidated by management's representative. on 20-12-81, workman requested adjournment was allowed. On 22-12-81, workman appeared and requested that instead of Doodhram Pathak, Ramesh Lakhera be permitted to appear in the enquiry as his co-worker. Mangement examined 4 witnesses Shri R.K. Yadav, Bhaiyalal Tiwari, Waman Rao and Shri Sukhram. Witnesses of management were cross-examined by co-worker. Enquiry was conducted. Enquiry Officer submitted his report. Punishment of removal from service was imposed on the basis of proved charges against workman. It is reiterated that enquiry is properly conducted. Workman is not entitled to any relief.

4. As per order dated 16-6-01, enquiry conducted against workman is found proper and legal.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the charges alleged against workman is proved	In Affirmative
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from evidence in Enquiry proceedings?

(ii) Whether the punishment of removal from service imposed against workman is proper and legal?	In Affirmative
(iii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

6. Enquiry conducted against workman is found legal. Point whether charges against workman are proved from evidence in Enquiry Proceedings needs to be decided on basis of evidence in Enquiry Proceedings. The documents of enquiry are produced. Chargesheet Exhibit M-I pertains to committing act of theft, fraud, dishonesty and disobeying orders of the superiors. Management's witness Shri R.K. Yadav in his evidence says on 7-11-81 around 8 AM, when he reached to the garage supervisor, Bhaiyalal Tiwari told him that in night shift of 6-1-81, coal of one trey was not tallied. Rather his evidence is based on the information given by Bhaiyalal Tiwari. On direction of Bhaiyalal Tiwari, he along with Subhansh went to the way bridge and palachauri siding for checking the record. When pole of Slip No. 69 was done at Palachouri siding but he did not find record of dunmping coal of slip no. 69. Witness Bhaiyalal has given detailed evidence that directions given to the workman and workman had transported coal in dumper No. 2794 from mine. After information received from labour, he had seen that coal was dumped at some distance from road in the forest. Witness Shri R.K. Yadav in his cross says oral instructions used to be given. He has also narrated about time of his checking the record. Evidence of both the witnesses on material point is not shattered. Witness No. 3 Wamanlal, Witness No. 4 Sukhram have corroborated evidence of Shri R.K. Yadav and Bhaiyalal Tiwari on material points. The degree of proof in departmental proceeding is not required as in criminal case to prove the charges beyond doubt. In departmental proceedings, probabilities is to be considered. The evidence cannot be appreciated as Appellate Authority. Therefore detailed discussion of evidence of management's witness is not required. Evidence of all management's witnesses is sufficient to establish that workman disobeyed instructions of his supervisor Bhaiyalal Tiwari and he had transported coal from other incline of different place.

7. Learned counsel for management Shri A.K. Shashi relies on ratio held in

Case of Emco Transformers Ltd versus S.P. Shouche and another reported in 1997 LLR 649. His Lordship held the findings of Labour Court as such that no reasonable

person reasonably instructed in legal principles could have arrived at them and hence perverse and that as such this is one such exceptional cases where interference with the findings of fact is a must.

In present case, the evidence of all management's witnesses examined before Enquiry Officer supports the allegation of management. Ratio cannot be applied to present case as facts are not comparable.

In case between Union of India versus B.K. Srivastava reported in AIR-1998-SCC-300 relied by Shri A.K. Shashi for management. their Lordship dealing with the matter under Administrative Tribunals Act Section 4-power of Tribunal, power of Tribunal of judicial review their Lordship held Disciplinary Authority duly considered report of Enquiry Officer and examined whole Enquiry Proceedings being satisfied that charges are proved imposing penalty of dismissal. The Appellate Authority by reasoned order was satisfied that delinquent officer was guilty of charges for which he imposed penalty of dismissal. There is no abuse of powers by Disciplinary and Appellate Authority. Tribunal setting aside enquiry report and dismissal order was held wrongly exercises its jurisdiction.

The learned counsel for 1st party workman submitted bunch of citations. Ratio held in case of Commissioner of Police Delhi versus Jai Bhagwan reported in 2011 (6) SCC-376. Their Lordship held suspicion cannot take place of proof. The reinstatement by High Court without backwages was upheld.

Ratio held in case of Suresh Chand versus Union of India reported in 2012 (1) MPLJ-102. The ratio relates to mere non-supply of Enquiry Officer's report will not render enquiry illegal.

The ratio has no bearing to merit of the matter as enquiry conducted against workman is found proper and legal. Said order is not challenged. Ratio cannot be applied to case at hand.

Ratio held in 2005 M.P.L.S.R. 61 (DB) pertains to when enquiry said to be vitiated cannot be applied at this stage.

The evidence of MW-2 Bhaiyalal in enquiry is clear that the coal was found at a distance from road in the forest remained unshattered. The evidence of management's witness in enquiry is clear that workman had not obeyed directions of his superiors regarding transporting coal and dumping at the place directed therefore charges against workman are proved from evidence in Enquiry Proceedings. Therefore I record my finding in Point No. 1 in Affirmative.

8. Point No. 2- The charges proved workman pertains to committing fraudulent act, transporting coal from Kasturba mines as per slip No. 69 was not done with the siding is of serious nature. Charge of disobeying direction of superior is proved against workman. Punishment of removal from service of workman cannot be said disproportionate. In my considered view, interference in the punishment is not

justified. For above reasons, I record my finding in Point No. 2 in Affirmative.

9. In the result, award is passed as under:—

- (1) The action of the management of Ambara colliery in dismissing Shri Surendra Singh S/o Adhar Singh Ex Driver in 1982 is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2072.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 60/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं. एल-22012/101/1989-आईआर (सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2072.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2006) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Parbelia Colliery of M/s. ECL, and their workmen, received by the Central Government on 26/10/2015

[No. L-22012/101/1989-IR (C-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

**PRESENT:** Sri Pramod Kumar Mishra,  
Presiding Officer

#### REFERENCE NO. 60 OF 2006

**PARTIES:** The management of Parbelia Colliery of  
M/s. ECL

**Vs.**

Sri Amiya Kumar Roy

#### REPRESENTATIVES

For the management: Sri P.K. Das. Ld. Adv. (ECL)

For the union (Workman): Sri U.S. Agarwal, Ld. Adv.  
(Workman)

Industry: Coal

State: West Bengal

Dated: 07.10.2015



**AWARD**

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/101/1989-IR(C-II) dated 17.08.2006 has been pleased to refer the following dispute for adjudication by this Tribunal.

**SCHEDULE**

"Whether the action of the management of Parbelia Colliery of M/s ECL in dismissing the services of Sri Amiya Kumar Roy and also denying of re-instatement is legal and justified? If not, to what relief the workman is entitled?

Having received the Order No. L-22012/101/1989-IR (C-II) dated 17.08.2006 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 60 of 2006 was registered on 18.09.2006 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Both parties are absent.

On perusal of the case record I find that the workman last appeared on 10.10.2012 and after that neither he nor his advocate appeared before the tribunal. Registered notice was issued on 29.09.2014 and after that two dates were granted. It seems that the workman now has lost his interest to proceed with the case further. The case is also a old one i.e. of the year 2006. So I think it proper and just not to keep this old reference pending while the workman is not taking any step after 10.10.2012. As such the case is closed and accordingly a 'No Dispute Award' is passed.

**ORDER**

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2073.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 101/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं. एल-22012/282/2007-आईआर (सीएम-II)]  
राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2073.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award(Ref. No. 101/2007) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as show in the Annexure, in the industrial dispute between the management of M/s. ECL, and their workmen, received by the Central Government on 26/10/2015.

[No. L-22012/282/2007-IR (CM-II)]  
RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

**PRESENT :** Sri Pramod Kumar Mishra,  
Presiding Officer

**REFERENCE NO. 101 OF 2007**

**PARTIES :** The management of Bhanora Colliery of M/s. ECL

**Vs.**

Sri Sanjit Kumar Banerjee

**REPRESENTATIVES :**

For the management: Sri P.K. Das, Ld. Adv. (ECL)

For the union (Workman): Sri Rakesh Kumar, President (KMC)

Industry : Coal State : West Bengal

Dated: 01.10.2015

**AWARD**

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/282/2007-IR(CM-II) dated 10.12.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

**SCHEDULE**

"Whether the action of the management of M/s. ECL by stopping one increment of Sri Sanjit Kumar Banerjee? If not, to what relief the workman entitled?

Having received the Order No. L-22012/282/2007-IR (CM-II) dated 10.12.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 101 of 2007 was registered on 31.12.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the



said order notices by the registered post were sent to the parties concerned.

Case called out Sri Rakesh Kumar, President of the Union (Koyala Mazdoor Congress) representatives of the workman is present but none present on behalf of the management.

Sri Rakesh Kumar submits that the case may be closed and a 'No Dispute' award may be passed in this case as the workman has already retired from service and now not at all interested to proceed with the case further. Since the workman has already retired from service and not interested to proceed with the case further the case is closed and accordingly a 'No Dispute Award' is passed,

### ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2074.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, गोदावरीखनी के पंचाट (संदर्भ संख्या 14/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं० एल-22013/1/2015-आईआर (सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2074.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Indus. Tribunal-cum-Labour Court, Godavarikhani (IT/ID/14/2011) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the SCCL and their workmen, which was received by the by the Central Government on 26/10/2015.

[No. L-22013/1/2015-IR(C-II)]

RAJENDER SINGH, Section Officer

### ANNEXURE

#### BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-CUM-VI ADDL.DIST. & SESSIONS COURT, GODAVARIKHANI.

**Present:-** SRIG.V. KRISHNAIAH,  
Chairman-cum-Presiding Officer

**INDUSTRIAL DISPUTE No. 14 of 2011**

Wednesday, the 30th day of September, 2015

### Between :

AKKAPAKA LINGAIAH, S/o. Pocham, Age 50 years,

Occ: Ex-Coal Filler, E.C. No. 0922147,

R/o. Gunjapadugu village,

Mandal Manthani, Dist. Karimnagar.

-- Petitioner

### And

1. The Chief General Manager,  
Singareni Collieries Co. Ltd., Ramagundam Area,  
P.O. Godavarikhani, Dist. Karimnagar.

2. The Managing Director,  
Singareni Collieries Co. Ltd.,  
P.O. Kothagudem, Dist. Khammam.--Respondents

This case coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri D. Krishna Murthy, Advocate for the respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

### AWARD

1. This petition is filed U/Sec. 2(A)(2) of I.D. Act challenging the dismissal of the petitioner by the respondents praying for his reinstatement into service with continuity of service, all attendant benefits and full back wages.
2. Petitioner was dismissed from service by the respondents *vide* office order dt. 30-03-2003 with the following charge.

### CHARGE:—

"Habitual late attendance or habitual absence from duty without sufficient cause".

3. Petitioner challenges his dismissal on the following grounds:—
  - (a) The petitioner was appointed as Badli Filler by the respondents company. The petitioner discharged his duties to the fullest satisfaction of his superiors till his dismissal from service on 31-03-2003 by the 2nd respondent.
  - (b) The petitioner used to remain absent to his duties in the year 2001 because of his ill-health and other family members. The respondent issued charge sheet and conducted an exparte enquiry behind back of the petitioner.
  - (c) The petitioner served the company for more than 19 years and he successfully discharged his duties without any remarks.
  - (d) The 1st respondent did not conduct fair and proper enquiry and the petitioner was not given fair opportunity to cross-examine the witnesses of management and the respondents have adopted unfair labour practice against the petitioner.

- (e) Punishment of dismissal from service is extremely harsh, highly excessive and shockingly disproportionate. Hence, the petitioner prays to allow the petition.

4. In response to this challenge, respondents filed counter justifying the dismissal of the petitioner. The respondents company being mining industry is a Central Government subject and the petitioner ought to have approached the CGIT, Hyderabad. This petition is not maintainable before this Court and is liable to be dismissed.

The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1). The petitioner was dismissed from service in the year 2003. The petitioner kept quiet for all these years and filed this petition after lapse of 8 years which is barred by limitation U/Sec.2A(3) of Industrial Disputes Amendment Act, 2010. The petitioner was appointed in the respondents company as Badli Filler on 28-04-1980 and was promoted as Coal Filler on 04-01-1982. The petitioner was irregular to his duties. According to Section 52(2) of the Mines Act, 1952 an underground employee is required to put in minimum musters of 190 and surface employee is expected to put in minimum of 240 musters. The following attendance particulars of the petitioner indicate the fact that the petitioner was not regular to his duties and in no year he had put in 190 musters during the period from 1998 to 2003.

Sl. No.	Year	No. of musters.
1.	1998	151
2.	1999	114
3.	2000	123
4.	2001	98
5.	2002	99
6.	2003(Feb)	4

During the period from January, 2001 to December, 2001, the petitioner had put in only 98 musters. As the above act amounted to misconduct under Standing Orders Clause No. 25.25 of the company, the petitioner was charge sheeted. After considering the documentary evidence and other evidence on record, the enquiry officer submitted his unbiased report holding that the petitioner is guilty of misconduct under company standing orders.

5. Though the petitioner received enquiry notices and show-cause notice, he failed to submit his explanation to them. So the respondents conducted exparte enquiry. The respondents company after considering the past record of the petitioner and on findings that there were no extenuating circumstances for taking a lenient view was constrained to dismiss the petitioner from service. The

respondents company conducted the enquiry proceedings duly in accordance with the principles of natural justice and law giving full opportunity to the petitioner. Therefore, the respondents pray to dismiss the petition without granting any relief to the petitioner.

6. During the course of hearing, Ex.W-1 to Ex. W-4 and Ex. M-1 to Ex. M-8 are marked.

7. Counsel for the petitioner filed Memo U/Sec. 11-A of I.D., Act stating that he is not challenging the validity of domestic enquiry conducted by the respondents and prayed this Tribunal to decide the quantum of relief to which the petitioner is entitled to.

8. Heard both sides. Perused the material papers on record.

9. Respondents filed written arguments.

10. On a consideration of respective contentions of the parties, the following points require to be determined:—

1. "Whether this Tribunal has got jurisdiction?"
2. "Whether the punishment of dismissal of the petitioner is justified and proportionate?"

11. **POINT No: 1.** As per the Judgement of the Hon'ble High Court reported in 1997 (III) LLJ (Supp.) 11 between U. Chinnappa And Cotton Corporation of India, this Court has got jurisdiction to entertain the dispute raised by the petitioner. Hence, the point is accordingly answered in favour of the petitioner.

12. **POINT No: 2.**

Charge sheet is marked as Ex.M-1 and it is seen that the petitioner did not give any explanation thereto. Enquiry notices are marked as Ex.M-2 & M-3. Enquiry proceedings and enquiry report are marked as Ex. M-4 and M-5. Show-cause notice and acknowledgment of the petitioner thereto are marked as Ex. M-6 & M-7. Order of dismissal dt. 30-3-2003 is marked as Ex. M-8.

13. Admittedly the petitioner having been appointed as Badli Filler on 28-4-1980, worked for more than 20 years as an underground Coal Filler. The percentage of attendance of petitioner steadily decreased from 1998 onwards. Petitioner was born in the year 1955 and prior to the date of this award, he attained the age of superannuation. Unfortunately, petitioner did not submit any explanation to the charge sheet and he did not participate in the enquiry. Hence it cannot be said that initiation of the disciplinary proceedings by the respondents was uncalled for. However, taking into consideration the service of the petitioner for 20 years, proportionality of punishment has to be considered, particularly when the Industrial Disputes Act is a social welfare legislation.

14. It cannot be said that every workman would maintain perfect health and put in the minimum musters. It would be unfair to presume that a coal filler (petitioner) who had

worked for more than 20 years would suddenly resort to unauthorized absenteeism without any reason. Obviously the petitioner did not know the consequences of the charge sheet issued by the respondent, he neither gave an explanation nor did he participate in the enquiry. Apparently he did not know the consequences of not attending to work regularly and not participating in the domestic enquiry. The management also did not consider the various options, before imposing the extreme penalty of dismissal from service on the petitioner. Absenteeism may have caused inconvenience to the production of respondents company, but it by no means a sort of misconduct which is harmful to the interest of the company. In a decision reported in 1982 LAB.IC.1031 BETWEEN: R.M., PARMAR VRS., GUJARATH ELECTRICITY BOARD, it was held that the length of service based on good record and the socio economic condition of the delinquent workman are considerations which should weigh with the Tribunal while exercising discretion.

15. It is true that there is delay in approaching this court by the petitioner. A worker is entitled to legal aid as per the provisions of Legal Services Authorities Act, 1987. Even though this Industrial Tribunal has been functioning in this place since 1988, there is no awareness for legal aid for industrial workers. As the petitioner put up unblemished service of more than 20 years, this Tribunal is constrained to set aside the dismissal order so that his unblemished service is counted in a manner beneficial to the worker. Accordingly, the dismissal order dt. 30-3-2003 under Ex.M-8 is set aside. The petitioner is deemed to have voluntarily retired from service w.e.f., the date of his last attendance in 2003. The difference of service benefits, if any shall be paid to the petitioner. The petitioner is not entitled to any back wages and dependent employment.

16. In the result, the order of dismissal dt. 30-03-2003 marked as Ex. M-8 is set aside. The petitioner is deemed to have voluntarily retired from service with effect from the date of his last attendance in 2003 and the respondents are directed to pay difference of service benefits if any to the petitioner within (30) days from the date of publication of this award. However, petitioner is not entitled to any back wages and dependent employment.

Typed to my dictation, corrected and pronounced by me in open Court, on this the 30th day of September, 2015.

SRI G.V. KRISHNAIAH, Chairman-cum-Presiding Officer

#### Appendix of Evidence

#### Witnesses Examined

For workman:—

-Nil-

For Management:—

-Nil-

#### EXHIBITS

For workman:-

Ex.W-1	Dt.	19-07-2006	Demand letter
Ex.W-2	Dt.	30-03-2003	Dismissal order. X.copy
Ex.W-3	Dt.	30-03-2003	Office Memo. X.copy
Ex.W-4	Dt.	-02-2002	Pay sheet slip. X.copy

For Management:-

Ex.W-1	Dt.	14-03-2002	Charge sheet
Ex.M-2	Dt.	17-07-2002	Enquiry notice
Ex.M-3	Dt.	27-09-2002	Enquiry notice
Ex.M-4	Dt.	04-10-2002	Enquiry proceedings
Ex.M-5	Dt.	17-10-2002	Enquiry report
Ex.M-6	Dt.	13-11-2002	Show cause notice
Ex.M-7	Dt.	02-12-2002	Acknowledgement to show cause notice
Ex.M-8	Dt.	30-03-2003	Office order (dismissal order).

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2075.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, गोदावरीखनी के पंचाट (संदर्भ संख्या 24/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं. एल-22013/1/2015-आईआर (सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th october, 2015

**S.O. 2075.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Indus. Tribunal-cum-Labour Court, Godavarikhani (IT/ID/24/2013) as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of SCCL and their workmen, which was received by the Central Government on 26.10.2015.

[No. L-22013/1/2015-IR(C-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, GODAVARIKHANI**

**Present :** SRIG.V. KRISHNAIAH,  
Chairman-cum-Presiding Officer.

Wednesday, the 30 day of September, 2015

**INDUSTRIAL DISPUTE No. 24 OF 2013****Between :**

Gaddala Mallesh S/O Gaddala Rajam aged about 45 years,  
Occ: Coal filler R/o Thilaknagar H.No. 14-4-427,  
Sick Hospital E. Seva, Vittalnagar, Godavarikhani,  
District Karimnagar ...Petitioner

**And**

1. General Manager,  
SC Company Ltd.,  
Mandamarri, Area Mandamarri
2. Chairman Managing Director  
SC Company Ltd., Hyderabad,  
Singareni Bhavan Lakdikapool,  
Hyderabad,

...Respondents/Employer

This case coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri D. Krishna Murthy, Advocate for the Respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

**AWARD**

1. This petition is filed U/Sec. 2(A)(2) of I.D. Act challenging the dismissal of the petitioner by the respondents praying for his reinstatement into service with continuity of service and full back wages.

2. Petitioner who was appointed as Badili Filler in the Singareni Collieries Company Ltd., on 19-12-1990 was removed from service on 3-9-1999 on the ground of unauthorized absence. Petitioner is a qualified Mining Diploma holder. It is stated that due to ill health petitioner was absent to his duties. Even though petitioner submitted his explanation to the charge sheet it was not considered and he was terminated from service. Petitioner sent mercy appeal to high power committee as there were negotiations in the year 2000. Petitioner's case was reviewed by high power committee and a letter addressed by a Colliery Manager to the petitioner was received by him on 1-11-2000. Petitioner attended interview on 16-11-2000. Subsequently no intimation was given to the petitioner about the outcome of the interview. Later petitioner came to know about the dismissal of mercy appeal. There was another settlement dated 22-4-2011 between representing union and Management to review cases of absenteeism

from 1-1-2000 to 31-12-2010. Respondent did not properly consider the case of the petitioner as per the settlement. Hence the petitioner may be reinstated into service with continuity and other attendant benefits with full back wages.

3. R1 filed counter adopted by R2. The following objection are taken in the counter of R1.

(1) Petitioner approached the Court after a lapse of 14 years. He was appointed into the service of the company as Badili filler on 27-12-1990. He attended for 88 days in 1995, 101 days in 1996, 80 days in 1997, 62 days in 1998 and 15 days in 1999. As the petitioner did not attend minimum musters charge sheet was issued to him on 15-11-1998 for "habitual absence from duty without sufficient cause".

(2) Respondent company is not concerned with the educational qualification of petitioner as he was appointed as Badili filler on compassionate grounds. Petitioner participated in the enquiry proceedings which took place on 8-2-1999 but he did not choose to cross-examine the management witness. Enquiry Officer gave report that petitioner is guilty of mis conduct.

Case of the petitioner was reviewed by high power committee on 16-11-2000 but he was not considered for reappointment. The criteria for reappointment is as follows:-

- (a) Age of the ex-employee shall not be more than 55 as on the date of of M.O.S. dated 21-2-2000.
- (b) The ex-employee shall put in 190/240 Musters (Underground/Surface) in two calendar years or 150/200 Musters (Underground/Surface) in four calendar years during the period of 5 years preceding the year of dismissal and the year of dismissal will be treated as qualified for selection.

As the petitioner was dismissed with effect from 3-8-1999 this case does not fall under the Memorandum of settlement dated 9-8-2011 and High Power Committee did not consider the petitioner for reappointment after taking into consideration the period of absenteeism.

Respondent's company employs more than 62000 persons and if employees do not attend regularly the work of the company will be effected.

Therefore, the petition may be dismissed.

4. During course of enquiry Exs. W-1 to W-3 are marked on behalf of workmen and Ex.M-1 to Ex.M-8 are marked on behalf of the Management.

5. Heard both sides.

6. Now the points for considerations are:

- (1) Whether there is satisfactory explanation for the poor attendance of the petitioner during the year 1997?
- (2) Whether the delay on the part of the petitioner in approaching the Tribunal is a ground to dismiss the petition?



(3) Whether the petitioner can be reinstated?

#### 7. POINT No.1:

Prior to the enquiry, petitioner gave explanation under Ex.M-2 that due to illness he took treatment in the company hospital from January, 1997 and therefore he could not attend regularly. He further stated that he had heart problem to the petitioner. Even according to his version he is an educated person being a person trained in mining operations. During the enquiry or in these proceedings the petitioner has failed to produce any tangible evidence to show that he was sick from January, 1997 onwards. In his reply dated 6-6-1999 to the proceedings of Chief General Manager RGI, that the Enquiry Officer found him guilty of the charges, petitioner stated that his absence from 1998 was due to illness. But the period of absenteeism is during 1997 as per Ex.M-1 charge sheet. Therefore, I am unable to see any reason to accept the explanation of the petitioner for his unauthorized absence from duty.

#### 8. POINT No. 2:-

The petitioner was dismissed from service in the year 1999. His case was reviewed in the year 2000 and he was not considered for reappointment. Petitioner is an educated person and he kept quiet for 13 years. Further father of the petitioner worked in the respondent company and the petitioner is aware of the rights of workmen and petitioner was appointed on compassionate appointment. Therefore, there is no reasonable cause for the petitioner to approach the Tribunal with long delay. This point is accordingly answered against the petitioner.

#### 9. Point No. 3:-

As per the finding on the foregoing points petitioner is not entitled to any relief. Accordingly the petition is dismissed.

10. In the result, the petition is dismissed.

Dictated to the Shorthand writer, transcribed by him, corrected and pronounced by me in open Court, on this the 30th day of September, 2015.

SRI. G.V. KRISHNAIAH, Chairman-cum-Presiding Officer

#### Appendix of Evidence

##### Witness Examined

For workman:-  
-Nil-

For Management:-  
-Nil-

#### EXHIBITS

For workman:-

Ex. W-1	Dt.	28-07-1999	Dismissal Order
Ex. W-2	Dt.	10-07-2011	Demand Letter
Ex. W-3	Dt.	7-11-2000	Interview Letter issued to petitioner to attend High Power Committee Xerox copy

For Management:-

Ex. M-1	Dt.	9/15-11-1998	Charge sheet, office copy
Ex. M-2	Dt.	19-11-1998	Reply to charge sheet.
Ex. M-3	Dt.	15-11-1998	Enquiry Proceedings
Ex. M-4	Dt.	15-11-1998	Enquiry report
Ex. M-5	Dt.	20-05-1999	Show cause notice
Ex. M-6	Dt.	04-06-1999	Acknowledgement to Show cause notice.
Ex. M-7	Dt.	06-06-1999	Representation of Petitioner submitted to the Explanation to the Show cause notice
Ex. M-8	Dt.	28-7-1999	Dismissal Order

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2076.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 41/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं. एल-22012/312/2003-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2076.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Kumardihi 'A' Bankola Area, M/s. E.C.L., and their workmen, received by the Central Government on 26/10/2015.

[No. L-22012/312/2003-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

#### ASANSOL

#### Reference No.: 41/ITC/2004

Management of Kumardihi 'A' Colliery under Bankola of E.C.L.

V/s.



Sri Jiten Soren

## SETTLEMENT IN LOK ADALAT

Held on 04th September, 2015 at CGIT-cum-LC, Asansol

## AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat and the workman has joined in service. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2077.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट संदर्भ संख्या 37/2006 को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं. एल-22012/215/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2077.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 37/2006 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s Eastern Coalfield Limited and their workmen, received by the Central Government on 26/10/2015.

[No. L-22012/215/2005-IR (CM-II)]

RAJENDER SINGH, Section Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

**Present:** Sri Pramod Kumar Mishra,  
Presiding Officer

## Reference No. 37 of 2006

## Parties:

The Management of Prabelia Colliery of M/s. ECL

Vs.

Sri R.N. Mondal

## REPRESENTATIVES:

For the management: Sri P.K. Goswami, Ld. Adv.  
(ECL)

For the union (Workman): Sri Ganesh Roy, Ld. Adv.  
(Workman)

Industry: Coal State: West Bengal  
Dated: 13.10.2015

## AWARD

In exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/215/2005-IR (CM-II) dated 01.08.2006 has been pleased to refer the following dispute for adjudication by this Tribunal.

## SCHEDULE

"Whether the action of the management of ECL, Parbelia Colliery in retiring Sri R.N. Mondal, Clerk from service *w.e.f.* 01.07.2004 (*i.e. w.e.f.* the middle of the year of retirement), ignoring the actual date of birth *viz.* 01.10.1944 recorded in his Matriculation Certificate, is justified, fair and legal? If not, to what relief is the workman entitled?"

Having received the order No. L-22012/215/2005-IR (CM-II) dated 01.08.2006 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case No. 37 of 2006 was registered on 14.08.2006 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out, Sri P.K. Goswami, Learned Advocate on behalf of the management is present. But union/workman is absent.

On persual of the case record I find that Sri Ganesh Roy, Learned Advocate for the workman last appeared before the Tribunal on 26.02.2008. thereafter 36 dates have been granted so far. Registered notices also issued on 03.01.2012, 06.06.2012, 28.07.2014 and 15.10.2014 but the union/workman did not turn up though the case is running for evidence of workman. It seems to me the workman is now not at all interested to proceed with the case further. As such the case is closed and accordingly a 'No Dispute Award' is passed.

## ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2078.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

न्यायालय आसनसोल के पंचाट संदर्भ संख्या 53/1997 को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं एल-22012/360/1996-आईआर (सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2078.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 53/1997 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Damagoria Colliery of M/s. BCCL, and their workmen, received by the Central Government on 26/10/2015.

[No. L-22012/360/1996-IR (C-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

**PRESENT:** Sri Pramod Kumar Mishra,  
Presiding Officer

#### REFERENCE NO. 53 OF 1997

**PARTIES:** The Management Of Damagoria Colliery, B.C.C.L.

**Vs.**

Shri R.N. Sanyal & Seven others.

#### REPRESENTATIVES:

For the management: Shri P.K. Das, Ld. Advocate  
(BCCL)

For the union (Workman): Shri Subhas Kr. Singh, Br. Secy.  
(JMS)

Industry: Coal State: West Bengal

Dated: 12.10.2015

#### AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/360/96-IR(C-II) dated 27/29.08.1997 has been pleased to refer the following dispute for adjudication by this Tribunal.

#### SCHEDULE

"Whether the demand of Janta Mazdoor Sangh for payment of Overtime Allowance from 16.02.1987 to 15.05.1991 to Sri R.N. Sanyal and 7 other workmen (List enclosed) is legal and justified? If so, to what relief are the workmen entitled?"

Having received the Order No. L-22012/360/96-IR (C-II) dated 27/29.08.1997 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 53 of 1997 was registered on 15.09.1997 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workmen have stated in their written statement that Sri R.N. Sanyal and seven other workmen have worked in overtime from dated 16.2.87 to 15.5.91 as ordered by the competent authority.

The details of the employees and working hours are given below:—

Sl. No.	Name	Designation	Allowance (Dues of O.T. hours from 16.02.1987 to 15.05.1991)
1.	Sri R.N. Sanyal	Foreman in Charge	153 Hrs.
2.	Sri Lakha Singh	Foreman	735 Hrs.
3.	Sri R.K. Tangari	Fitter	161 Hrs.
4.	Sri A.K. Banerjee	Fitter	200 Hrs.
5.	Sri Uday Prasad Singh	Fitter	166 Hrs.
6.	Sri Jiten Turi	Fitter	523 Hrs.
7.	Sri Yudhistir Saho	Fitter	102 Hrs.
8.	Md. Siraj	Sr. Mech.	238 Hrs.

As per section 33 of Mines Act, 1952 Workmen concerned are entitled to get wages @ twice of their ordinary rate of wages. The workman has stated in their written statement that they have raised an issued before the Agent, Damagoria Colliery and the then Agent Sri S.N. Tiwari has ordered to pay Allowances/Overtime Allowances/Wages. But the order of Agent, Damagoria Colliery, B.C.C.L. was not complied. The workman has raised an issue before different level of management, but due to adamant and discrimnatory attitude on the part of management, overtime allowance is still unpaid. The management of B.C.C.L. has violated the norms/acts/rules of the companies regarding non payment of Overtimes wages. The workman has prayed that management of B.C.C.L. be directed to pay overtime allowance with interest to all the workmen.

Management of B.C.C.L. has stated in their written statement that concerned workmen are employees of

Damagoria Colliery. The workmen concerned were engaged on overtime in a prescribed ceiling from the year 1986 onwards for extreme emergency of work to attend major breakdown of machines. As per guidelines of the company the limit of overtime is only thirty hours per month and the said limit cannot exceed under any circumstances. But the limit of overtime hours are exceeded beyond prescribed limit. The excess overtime hours could not be considered as accumulation of wages under the established norms of the company. The concerned workmen Sri R.N. Sanyal and seven others were engaged for overtime works for exigency of the mines, claim of overtime wages are only payable up to the ceiling limit as prescribed by the competent authority of the company. For the excess period of overtime hours no overtime is payable as claimed by the Union in their written statement. The management of B.C.C.L. has never violated any norms/acts/rules by not paying the Overtime Wages. The claim of the Union is hereby denied by the management. The management has stated that tribunal may be pleased to hold this reference as no dispute award.

The workmen have stated in their rejoinder written statement that contention of management of B.C.C.L. is illegal, unjustified and hence denied. As per sub-section 1 of section 33 of mines Act, 1952 the workmen are entitled to get overtime allowance as wages.

Workman has filed list of workmen employed by the B.C.C.L. for overtime work Management of B.C.C.L. has filed a copy of letter of Director of Finance dated 25.01.1999. Neither party has filed any oral evidence.

I have heard the argument of both sides and perused the file.

Learned counsel of B.C.C.L. has argued that workmen are not entitled for overtime allowance beyond prescribed ceiling limit, even if they have worked as per guidelines of the B.C.C.L. company. Whereas the Union leader has argued that workmen are entitled for overtime allowance for the period work done.

It is admitted by the management that all concerned workmen are employees of Damagoria Colliery, B.C.C.L. It is also admitted by the management in para 4 & 5 of their written statement that concerned workmen have worked in overtime. Workman has filed the list of workmen who have worked in overtime. All the eight workmen mentioned in the written statement are described in the list. The list has been issued by the concerned official of B.C.C.L.

Section 33 of Mines Act, 1952 provides as follows:—

"Extra wages for overtime—(1) Where in a mine person works above ground for more than nine hours in any day, or works below ground for more than eight hours in any day or works for more than forty eight hours in any week whether above ground or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his

ordinary rate of wages, the period of overtime work being calculated on daily basis or weekly basis, whichever is more favourable to him."

After perusal of above section it is clear that if any workman works for more than prescribed hours he is entitled to wages @ twice of his ordinary rate of wages. The period of overtime worked will be calculated on a daily basis of weekly basis which more favourable to workman.

The management has relied on a letter of Sri N.K. Bajaj, Director of Finance dated 25.01.1999 which is as below:—

"Your attention is drawn towards CMD's letter No. CMD: ES: F.20:98:957 dated 16th Nov. 1998 through which overtime limit has been reduced to 12 hrs. per month against 20 hrs. We hope necessary step has been taken from your end to ensure that overtime does not exceed the limit EDP Deptt. has been advised to put a check in the system accordingly. In case of under extremely urgent cases overtime limit un-avoidable to be maintained, sanction against specific person is to be obtained from the concerned Director and pay office to be advised accordingly, failing which, it will be difficult to bill overtime beyond the normal limit."

It is clear from perusal of above letter that letter has been issued on 25.01.1999 with reference to previous letter dated 16.01.1988. Workman has worked in overtime from 16.02.1987 to 15.05.1991 much prior to the issuance of letter of the Director of Finance. The instruction of the Director of Finance cannot have retrospective effect. Moreover the departmental guideline/direction or instruction cannot overwrite the Mines Act, 1952. The Mines Act, 1952 is the Central Act which is binding all mines situated in India. The provisions of Mines.

Acts are binding on the Coal Mines Companies. Since, it is clear that eight workmen as referred in written statement of workmen have worked in overtime. They are entitled to get Overtime Allowance/Wages as per sub-section 1 (1) of section 33 of mines Act, 1952. The demand of Janta Mazdoor Sangh for Overtime Allowance from 16.02.1987 to 15.05.1991 to Sri R.N. Sanyal and seven others as mentioned in written statement is legal and justified. All eight workmen are entitled to get overtime allowance for the period as shown against their names in the written statement.

The management of Damagoria Colliery of B.C.C. Ltd. is directed to make payment to Sri R.N. Sanyal and Seven others as per provisions of section 33 of Mines Act, 1952 for the period from 16.02.1987 to 15.05.1991 for overtime worked by each workman separately described in their written statement.

### **ORDER**

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of

India, Ministry of Labour, New Delhi for information and needfuly. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2079.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 82/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं एल-22012/42/2007—आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2079.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2007) of the Cent.Govt. Indus.Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial dispute between the management of Bansra Colliery of M/s. ECL, and their workmen, received by the Central Government on 26/10/2015.

[No. L-22012/42/2007-IR(CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

**Present:** Sri Pramod Kumar Mishra,  
Presiding Officer

#### REFERENCE NO. 82 OF 2007

#### Parties :

The management of Bansra Colliery of M/s. ECL

**Vs.**

Late Sri Gopali Sah

#### REPRESENTATIVES:

For the management : Sri P.K. Das, Ld. Adv. (ECL)

For the union (Workman) : Sri S. K. Pandey, Gen. Secy. (CMC)

Industry : Coal

State : West Bengal

Dated : 05.10.2015

#### AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter

No. L-22012/42/2007-IR(CM-II) dated 28.09.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

#### SCHEDULE

"Whether the action of the management of Bansra Colliery in not providing the employment to the dependant of Late Shri Gopali Sah is legal and justified? If not, to what relief is the dependent of the deceased workman entitled?"

Having received the Order No. L-22012/42/2007-IR(CM-II) dated 28.09.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 82 of 2007 was registered on 09.10.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Sri S. K. Pandey, General Secretary of the Union (CMC) representative of the workman is present and Sri P. K. Das Learned Advocate on behalf of the management is also present but not filed his authorization yet.

Sri S. K. Pandey submits that the dependants of the workman are not traceable. So the case may be closed. He has also written it on the order-sheet. Since the dependants of the workman are not traceable and the union does not want to proceed further the case is closed and accordingly a 'No Dispute Award' is passed.

#### ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2080.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 62/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं एल-22012/357/2004—आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2080.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government



hereby publishes the Award (Ref. No. 62/2005) of the Cent.Govt. Indus.Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial disputes between the management of Ghusic Colliery of M/s. ECL, and their workmen, received by the Central Government on 26/10/2015.

[No.L-22012/357/2004-IR(CM-II)]  
RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

**Present** : Sri Pramod Kumar Mishra,  
Presiding Officer

#### REFERENCE NO.62 OF 2005

**Parties** : The management of  
Ghusic Colliery of M/s.  
ECL

vs.

Sri Labin Bouri

#### REPRESENTATIVES:

For the management : Sri P.K. Das, Ld. Advocate.  
ECL

For the union (Workman) : Sri S. K. Pandey, Gen. Secy.  
CMC

Industry : Coal

State : West Bengal

Dated : 30.09.2015

#### AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/357/2004-IR(CM-II) dated 20.07.2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

#### SCHEDULE

"Whether the action of the management of Ghusic Colliery under Sripur Area of M/s. ECL in dismissing Sri Labin Bouri, Wagon Loader from service w.e.f. 31.03.1992 is legal and justified? If not, to what relief the workman is entitled and from which date?"

Having received the Order No. L-22012/357/2004-IR (CM-II) dated 20.07.2005 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 62 of 2005 was registered on 17.08.2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written

statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

In brief, the delinquent workman Sri Labin Bouri has stated in his written statement that he was in employment of the company as a Wagon Loader of Ghusic Colliery under Sripur Area of M/s. Eastern Coalfields Limited. Due to sickness he was absent from duty for the period of 3 (Three) months. He submitted sick certificate etc. before the management but he was not allowed to join his duty rather he was charge sheeted vide Charge Sheet No. ECL/GC/C-6/37/23, dated 07.01.1992. Workman replied to the charge sheet and appeared before the enquiry officer. It is learnt that though he was not found guilty of charges, but his name was deleted from the company's role w.e.f. 31.03.1992, without giving the workman, copy of the enquiry proceedings, reports, etc. in spite of regular persuasion from the workman as well as union. Even management failed to supply copy of enquiry proceeding, charge sheet and even dismissal letter. The name of the workman was deleted without following any rules and regulations. The workman is sitting idle without any job. His whole family is at the stage of starvation. The dismissal of Sri Labin Bouri from the services of the company is illegal and unjustified. Workman has prayed that management of Ghusic Colliery of M/s. Eastern Coalfields Limited be directed to reinstate him in service with full back wages from the date of dismissal till reinstatement with all consequential benefits.

Management of Ghusic Colliery of M/s. Eastern Coalfields Limited has denied the allegation of the workman in his written statement. Management has stated in his written statement that reference is misconceived. Sri Labin Bouri was absent from duty unauthorizedly without any prior permission or sanctioned leave. Therefore management issued Charge Sheet on 07.01.1992 as per the provision of Model Standing Order. Concerned ex-workman submitted his reply to Charge Sheet. Reply was found to be not satisfactory and as such domestic enquiry was held into the said charge sheet by the Enquiry Officer. The ex-workman duly participated in the Enquiry Proceeding. After holding enquiry, Enquiry Officer submitted his report, holding the ex-workman to be guilty of the charges of misconduct, charges of misconduct was established by the Enquiry Officer. The ex-workman was dismissed from his service w.e.f. 31.03.1992. The Order of Dismissal was duly communicated to the ex-workman. The Order of dismissal was in accordance with the gravity of misconduct by the workman. It is false that ex-workman due to his illness could not perform his duty or that he ever submitted sick certificate before the management. It is false that the workman was dismissed without following the rules and regulations. The action of the management is totally justified in dismissing the workman from his duty. The workman is not entitled to any relief as prayed for.



Workman has filed following documentary evidence; (1) Copy of the letter from union to ALC(C), (2) Application of workman to the Agent dated 28.04.1993, (3) Application of workman to General Manager, Sripur Area asking for enquiry proceeding etc., (4) Copy of the letter of union dated 18.01.1994, (5) Copy of the letter of Enquiry Officer to the workman asking him to appear in the enquiry proceeding. Sri Labin Bouri has filed affidavit in his oral evidence. He was cross-examined by the management. Management has not filed any documentary or oral evidence.

I have heard the argument of Sri S.K. Pandey, General Secretary of the union on behalf of the workman and Sri P. K. Das, Learned Advocate on behalf of the management.

Sri S.K. Pandey, union representative has argued that the workman Sri Labin Bouri was absent only for three months for which he was wrongly dismissed. He was dismissed from service even without following procedure of enquiry. He was never charge sheeted. He also argued that the Tribunal has directed the management on 05.12.2006 to submit the enquiry report. But the management did not care to submit enquiry report, enquiry proceeding, show cause notice, etc. On other hand Sri P. K. Das, Learned Advocate of M/s. Eastern Coalfields Limited has argued that workman Sri Labin Bouri was absent un-authorized for 3 (Three) months for which he was charge sheeted. After getting reply from the workman, enquiry was conducted against the workman for the said charges. After completion of enquiry proceeding, management rightfully dismissed Sri Labin Bouri from service.

I have heard argument of both the sides and perused the file.

It is not disputed that the delinquent workman, Sri Labin Bouri was Wagon Loader of Ghusic Colliery of M/s. Eastern Coalfields Limited. It is also not disputed that he was absent from duty. As per workman he was absent for 3 (three) months due to his sickness. M/s. Eastern Coalfields Limited has denied the allegation of the workman that he was absent from duty due to his sickness. Delinquent workman Sri Labin Bouri has filed affidavit in his oral evidence. He has stated in his affidavit that he was charge sheeted in the year 1992 and subsequently dismissed from the service of the company. He was not supplied any paper in connection with the enquiry proceeding, dismissal, etc. In cross-examination he stated that he was present at the enquiry proceeding. He does not know that his Medical Papers are not in the record. He informed the office of the company about his absence.

In the copy of letter of delinquent workman addressed to the Agent of Ghusic Colliery of M/s. Eastern Coalfields Limited dated 28.04.1993 he has requested to the Agent of Ghusic Colliery of M/s. Eastern Coalfields Limited, due to

his illness he was absent for 3 (Three) months. He submitted sickness certificate during enquiry proceeding but he has not been informed about the result of the enquiry. Delinquent workman has written letter to General Manager of Sripur Area and asked reason about his dismissal. The union representative asked Ghusic Colliery of M/s. Eastern Coalfields Limited about non-supply of papers relation to enquiry proceeding. The workman has filed copy of letter of the Agent of Ghusic Colliery of M/s. Eastern Coalfields Limited dated 16.03.1992 regarding notice of enquiry.

Domestic enquiry in Industrial Law has acquired great significance. Industrial adjudication attaches considerably importance to such enquiry. In number of cases, the hon'ble Supreme Court has observed that an enquiry is not an empty formality, but an essential condition to the legality of the disciplinary order. In other words before the delinquent workmen can be dismissed for misconduct, the employer shall hold a fair and regular enquiry into the misconduct. Dismissal without holding a regular enquiry would be an illegality. It is well settled that disciplinary enquiry has to be a quasi-judicial enquiry. It should be held according to principles of natural justice and Enquiry Officer has a duty to act judicially because the charges of misconduct, if proved, will result not only in deprivation of livelihood of the workman, but also attach stigma to his character.

In dealing with domestic enquiries held in industrial matters, the fact that the large majority of cases employees are likely to be illiterate and ignorant, should be borne in mind. The Enquiry Officer has to take care in the facts and circumstances of such case that the defence of the workman is not prejudiced in any manner. The rules of natural justice require that the workman proceeded against, should be informed clearly of the charges leveled against him, witness should be examined in his presence. The workman should be given a fair opportunity to examine witness, in support of his defence.

Unfair or wrongful discharge or dismissal of industrial workmen as a measure of disciplinary action is one of the major causes of industrial dispute though the employers have always regarded the right of disciplinary action as a concomitant to the efficient attainment of the objectives of industrial activity. On the other hand, the workers and their unions have tended to regard protection from arbitrary or unjustified disciplinary action as one of the most important functions of the trade union activity.

In all cases of detrimental action taken against a worker, for misconduct, the employer has to establish whether the action was taken for "Just and sufficient reasons". An industrial worker is always entitled to question the propriety of punitive or detrimental action taken against him.

Hon'ble Karnataka High Court in GR Venkateshwara Reddy v/s Karnataka State Road Transport Corp. has laid down the following requirements of reasonable procedure:

- (a) The employee shall be informed of the exact charges which he is called upon to meet;
- (b) he should be given an opportunity to explain any material relied on by the management to prove the charges.
- (c) the evidence of the management witness should be recorded in the presence of the Delinquent employee and he should be given an opportunity to cross-examine such witnesses;
- (d) the delinquent employee shall either be furnished with copies of the documents relied on by the management or be permitted to have adequate inspection of the documents relied on by the management;
- (e) the delinquent employee should be given the opportunity to produce relevant evidence—both documentary and oral which include the right to examine self and other witnesses; and to call for relevant and material documents in the custody of the employer;
- (f) whenever the inquiring authority is different from disciplinary authority, the delinquent employee shall be furnished with a copy of the inquiry report and be permitted to make a presentation to the disciplinary authority against the findings recorded in the inquiry report.

Management has not filed copy of charge sheet, Enquiry Proceeding, Enquiry Report, Show Cause Notice and Dismissal Order. The tribunal has directed the management of Ghusic Colliery of M/s. Eastern Coalfields Limited on 05.12.2006 to submit Enquiry Proceeding and fixed the date 31.01.2007. But management failed to submit copy of Charge Sheet, Enquiry Proceeding, Enquiry Report, Dismissal Order, etc. so far. Adverse presumption under section 114(G), Indian Evidence Act can safely be drawn against management of M/s. Eastern Coalfields Limited that there was no enquiry at all against the delinquent workman otherwise enquiry proceeding, enquiry report, etc. ought to have been filed on to the file of reference of Tribunal. On perusal of the enquiry proceeding, enquiry report and other related document, tribunal could arrive at conclusion that the enquiry proceeding was conducted according to the principal of natural justice. But in absence of the enquiry proceeding, enquiry report and other document adverse inference can only be drawn against the management, that there was no enquiry at all against the delinquent workman, by the management.

Without holding any domestic enquiry no workman can be dismissed. From perusal of the reference file, it transpires that there was no enquiry against the workman by the management for alleged un-authorized absent from duty. Though of course un-authorized absence from duty is misconduct under model standing order for which the guilty workman can be punished by the management. But

domestic enquiry against delinquent workman must precede before passing order of punishment. Another question which needs consideration is that even if for imagination, if it is presumed that domestic enquiry against delinquent workman was duly conducted, even then the punishment of dismissal for alleged absence of 3 months is harsh and quite disproportionate to the alleged guilt committed by the delinquent workman.

When different categories of penalties can be imposed in respect of the alleged fault, one of which is dismissal from service, the disciplinary authority per force is required to consult himself for selecting the most appropriate penalty from out of range of penalties available, that can be imposed. The disciplinary authority should have regard to the nature, context and gravity of the default. If the lesser penalty can be imposed without seriously jeopardizing the interest of the management, the disciplinary authority should not impose the maximum penalty of the dismissal from service. The punishment must be commensurate with the nature and gravity of the misconduct proved against him. Failure to take these material into account before awarding, the punishment will be fatal to the order of punishment.

In view of discussion above the punishment of dismissal for absence of 3 months under compelling circumstances is not just and proper rather it is too harsh a punishment which is totally disproportionate to the alleged un-proved misconduct specially without holding domestic enquiry against the workman. Such punishment is in utter violation of principal on natural justice.

In view of this matter, I think it just and proper to modify and substitute the same by exercising the punishment under section 11(A) Industrial Dispute Act, 1947. Impugned order of dismissal is set-aside. If delinquent has not already reached the age of superannuation the management is directed to reinstate the workman with the continuity of service. Delinquent workman be imposed a punishment of stooing of increment with cumulative effect. It is further directed that the workman concerned will get 25% of back wages till date of reinstatement or till date of superannuation as the case may be.

### ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for informing and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2081.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

न्यायालय नं 1, धनबाद के पंचाट (संदर्भ संख्या 43/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं एल-2012/43/2013-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2081.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 43/2013) as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, which was received by the Central Government on 26/10/2015.

[No. L-20012/43/2013-IR(C-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/s 10(1)(d)(2A) of  
I.D. Act, 1947.

#### Reference No. 43 of 2013

Employer in relation to management of Sindih  
workshop, M/s. BCCL

AND

Their Workman

#### Present:

Sri R.K. Saran, Presiding Officer

#### Appearances:

For the employers : Sri D.K. Verma, Advocate

For the Workman : Shri S. Kundu, in Person

State : Jharkhand Industry : Coal

Dated 21.8.2015

#### AWARD

By order No. L-20012/43/2013-IR(CM-I), dated, 23.09.2013 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

#### SCHEDULE

"Whether the action of the management of Sindih workshop of M/s. BCCL in dismissing Sri Suranjan Kundu from the service w.e.f. 01.04.2005 is fair and justified? To what relief the concerned workman is entitled?"

2. The case is received from the Ministry of Labour on 04.10.2013. After receipt of reference, both parties are noticed. The workman files their written statement on 10.10.2013. After long delay the management files their written statement-cum-rejoinder on 04.04.2014. No witnesses examined from both side. But document of both side is marked as W-1 to W-10 and M-1 to M-9 as exhibit.

3. The workman's case is that a charge sheet was issued to him on 8.02.2002 under clause 26.1.11 and 26.1.15 of the certified standing orders of the company for the allegation of theft of the company's property. The workman under suspension, ultimately after enquiry workman is dismissed from service w.e.f. 01.04.2005. He also says that the Dy. Chief Engineer (Excavation), workshop in charge was not having the proper disciplinary power to issue the charge sheet/show cause notice to the workman as he is not the appointing authority. The mercy petition was filed by the workman to resume his duties as the management has not suffered any monetary loss. In fact there was no misappropriation of any kind committed by the workman. That the punishment imposed by the Disciplinary authority was dis-proportionate in the eye of law.

4. The management's case is that the workman concerned committed serious misconduct for that he was charge sheeted by the management under clause 26.1.11 and 26.1.15 of the certified standing order of the company. Thereafter the management dismissed him from the service of the company for proved misconduct, after conducted domestic enquiry in presence of concerned workman.

5. The workman has been dismissed from service after proper enquiry on the ground of theft of machinery which was recovered from his company quarters. A criminal case was started, though the workman was convicted initially, acquitted in the appeal.

6. The workman presently claimed that he has been falsely implicated in the criminal case and has been dismissed.

7. Perused the departmental enquiry report and records and which has been held fair and proper and the workman has not challenged the same in any court. Therefore it has been held final.

8. In the Preliminary domestic enquiry the workman himself accepted the misconduct and issued parts of the machinery returned to officials from his quarter. During the domestic enquiry the concerned workman also written a mercy petition, in which he accept the misconduct, he also submitted that he will never repeat the same. Marked in Ext. M-5 Series.

9. From the enquiry and charges, it revealed that the issued parts were recovered from the quarters of the workman. Therefore the action of dismissal has been taken.

10. One point that is left that if a person is acquitted from the criminal case, can the allegation in the departmental enquiry will be automatically terminated? The answer is no. Because the standard proof in criminal case and the departmental enquiry is different.

11. The management is at liberty to take any action taking the gravity of charges. The present case is of theft and misappropriation. The workman has not come forward to prove his innocence in the enquiry.

12. Considering the facts and circumstance of the case, I hold that the action of the management of Sinidih workshop of M/s. BCCL in dismissing Sri Suranjan Kundu from the service *w.e.f.* 01.04.2005 is fair and justified. Hence the workman is not entitled to get any relief what so ever.

This is my award

R.K. SARAN, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2082.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 01/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं. एल-20013/2/2015-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2082.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (filed under Sub-Section (2) of the Section 2A in the matter of I.D. No. 01 of 2013) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workman, which was received by the Central Government on 26.10.2015.

[No. L-20013/2/2015-IR (C-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

#### PRESENT

Shri Kishori Ram, Presiding Officer

In the matter of an application under Sub-Section (2) of the Sec 2A of the Industrial Dispute, Act, 1947 and the Industrial Disputes (Amendment) Act. 2010 (24 of 2010)

#### I.D. CASE NO. 01 OF 2013

#### PARTIES :

Md. Jabbar, S/o Late Amanat,  
R/o Subhash Nagar Argada. Qtr. No. BDS/70,  
PO: Argada.P.S. Ramgarh, Dist: Ramgarh  
...Applicant

#### Vs.

The Project Officer,  
Sirka Group of Collieries, Central Coalfields Ltd.,  
8, Sirka, PO: Argada. Dist: Ramgarh,

The Director (P)  
M/s Central Coal Fields Ltd., Darbhanga  
House, Ranchi-834001

...O.P. Party

#### APPEARANCES :

On behalf of the workman/Union : Mr. N.M. Kumar, Ld.  
Advocate

On behalf of the Management : Mr. D.K. Verma Ld.  
Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 21st August, 2015

#### SCHEDULE

"Whether the action of the Management of Sirka Group of Collieries of M/s CCL in dismissing Md. Jabbar Dumper Operator from the services of the Company from 11.02.2009 is fair and justified? If not, to what relief the concerned workman is entitled?"

On filing of the petition u/s 2-A of the Industrial Dispute Act, 1947, (Amendment Act-2010), on 29.03.2013, it was reported that there was no delay in filing it, as after the dismissal of the petitioner *w.e.f.* 10.02.2009, he had filed his appeal before the Appellate Authority who was pleased to reject his appeal as per Order dt. 13.10.2011 consequent upon the order dt. 28.06.2011 of the Hon'ble High Court, Jharkhand at Ranchi in his WP (S) No.1983/200; and on the failure of the conciliation proceedings before the ALC (C), Hazaribagh, a Certificate to that effect was issued on 31st Jan, 2013 to file the case under the aforesaid Sec. of the Amendment Act. So there was no delay in filing the I.D. Case. Hence it was admitted on 30th April, 2013, directing to issue Notices to the O.P. concerned for needful. Notices were issued to the O.P.

Mr. N.M. Kumar, Ld. Advocate for the petitioner/workman and Mr. D.K. Verma, Ld. Advocate for the O.P./Management appeared and contested the case.

2. The case of workman Md Jabbar as represented in his application dt. 7.2.13 u/s 2 A of the Industrial Dispute Act, 1947 is that he had been rendering his service to the Management satisfactory to it since his appointment on 21.08.1998. Though he had unblemished record of his service, he was issued the chargessheet dt. 10.12.1998 by



the Project Officer of Sirka Group of Colliery on false and fabricated allegations. He submitted his explanation to it, denying the allegations levelled against him. In spite of his reply satisfactory, the Project Officer, O.P. No. 1 initiated the departmental enquiry in quite violation of the principles of natural justice. After due verification of their joint verification and record by the Committee, recommendation of the Project/Area Management, and approval by the Area G.M. He was given the employment in M/s Central Coalfields Ltd. against the Voluntary Retirement of her mother-in-law Madina Khatoon, Ex-Earth Cutter under the V.R.S. in the year 1978 on account of his marriage having been held with her only daughter Rokina Khatoon.

3. The Enquiry Officer after due enquiry submitted his report, holding therein that the workman was not guilty of the charges/misconducts under clause 17(i) (a) and (o) of the Certified Standing Orders respectively. The workman had not committed any misconduct: theft, fraud or dishonesty with the employer's business and property, or giving any false information, regarding his name, age, father's name, qualification or previous service at the time of getting the employment. The Enquiry Officer came to the conclusion that the workman had solemnized the second marriage after the death of his first wife. So the misconduct in the charge sheet was not proved during the enquiry as also held by the Enquiry Officer. Yet the Disciplinary Authority had not accepted the findings of the Enquiry Officer, came to different finding without hearing the workman, and issued him 2nd Show Cause Notice after lapse of one year and seven months. On filing his show cause to it, the Disciplinary Authority dismissed him as per the Order dt. 11.02.2009.

4. Being aggrieved with the said order of the Disciplinary Authority, the appeal preferred before the Appellate Authority on 16.02.2009 under the Certified Standing Orders finally resulted in dismissal of his appeal as per order dt. 13.10.2011 of the Appellate Authority. His appeal was thus disposed of subsequent upon the order dt. 28.6.2011 of the Hon'ble High Court passed in his WP (S) No. 1983/2009 with I.A. No. 819/2011 with a direction to the Appellate Authority to dispose of the his appeal within three months. Then the industrial dispute raised by the President of Sirka Branch and Executive Member of the Central Committee of United Coal Workers Union in respect of the dismissal of the workman before the ALC, Hazaribagh. But its failure in its conciliation resulted in granting him its Certificate dt. 30.01.2013 with an advice to file a petition under Sec. 2 A of the I.D. Act, 1947 before the Tribunal.

Then the instant ID, filed before the Tribunal on 29.03.13 for an adjudication in the terms of its schedule. Since the dismissal of the workman after 30 years of his service is illegal and improper, malafide arbitrary and discriminatory, so it is liable to be set aside; therefore, the workman is entitled to reinstatement with full back wages.

5. The workman petitioner in his rejoinder has specifically denied all the allegations of the OP/Management as incorrect, false, fabricated and baseless except the points Nos., 7 to 10, 14. Further stated is that the name of Sabra Khatoon as wife is written by the Management of Sirka Colliery, CCL in the Service-sheet excerpt of the workman issued by the Management on 24.03.1998 (Annexure 3) which also declares the name of Rokina Khatoon as wife as nominee in the Form 'F' of Gratuity as recorded while his joining in the CCL on 21.08.1978, and thereafter his aforesaid first wife Rokina Khatoon died on 03.09.1982 (Annexure-2). The Management accepted the information of the Death Certificate of Rokina Khatoon as evident from the Service Sheet of the workman (Annexure-4). It is the accountability of the OP/Management to maintain the Service Sheets of the workman. Non production of Madina Khatoon's Service sheet or its denial by the Project Officer of Sirka Colliery before the Enquiry Officer during the domestic enquiry on 09.11.2009 merely on the ground of the old documents and the date of appointment dt. 21.08.78 being too old to trace out denotes not properly maintenance of their service sheets. Accordingly any default/wrong entry, if any, in the service sheet was the main responsibility of the Management to maintain it. It is also alleged that the death report along with death certificate was submitted by the applicant workman to the Management on 30.01.1984. The Management had written the name of his aforesaid 2nd wife in the Service Sheet at Page No. 4 under S.No. 2. The workman claims to have replied that he had solemnized his marriage with Sabra Khatoon on 06.05.1983, after the death of his wife Rokina Khatoon, (D/o Madina Khatoon) with whom his marriage was solemnized on 11.4.1975. The Enquiry Officer had accepted the documents as Annexure DE 5 and DE 3 respectively. Further alleged by the petitioner that both Madina Khatoon and her husband Saffaruddin had their separate service sheets. Since her daughter Rokina Khatoon married with the petitioner workman on 1.4.1975.

6. Her name was not got entered by Md. Saffruddin into his service sheet only with a view to maintain rule of LLTC/ LTC, as her name was already written in her mother's service-sheet. So Md. Sarfruddin's service sheet with Madina Khatoon's name had no relevancy. Only to hide the facts, Sri S.H.N. Singh was brought into notice, but no service sheet of Madina Khatoon was produced before the Enquiry Officer. The Project Officer constituted the enquiry committee, but he did not abide with the findings/ conclusion of it just as he arbitrarily unaccepted the findings of the Enquiry Officer.

7. Whereas the contra case of the O.P./Management is that the present application filed by the petitioner workman under Sec. 2 A (2) of the I.D. Act, 1947 is unmaintainable in law or on facts, as he filed it on 07.02.2013 after three years of his dismissal from the services of the Company as per the Order dt. 11.2.2009 for his proved misconduct, so it is time barred.



Further alleged on behalf of the O.P./Management is that the petitioner /workman was issued charge sheet dt. 10.12.1998 for the commission of his misconducts as under:

"(i) "That under the Voluntary Retirement Scheme of CCL, you obtained employment in Sirka Colliery as PR Worker on 21-8-1978 against the voluntary retirement of Smt. Madina Khatoon by declaring yourself to her be son-in-law. You claimed to have married Rokina Khatoon, the only daughter of Smt. Madina Khatoon in the year 1975 but in the nomination Form 'F' for gratuity, you have mentioned the name of Smt. Sahara Khatoon as your wife who is not the daughter of Smt. Madina Khatoon. Subsequently you submitted an application to Labour Welfare Officer, Sirka, on 8-5-88, stating that your first wife Smt. Rokina Khatoon had expired and you had married second wife Smt. Sahara Khatoon, but in support of such statement you did not submit any death certificate.

(ii) That in your service sheet maintained at Sirka Colliery, the copies of your application for employment under the VR Scheme and appointment letter are not available and also there is no mention of appointment letter in the specified column at page 2 of the our service sheet which raises doubt about the genuineness of your employment in CCL under the VR Scheme."

8. The aforesaid acts of the petitioner come under the clause 17(i)(a) and 17(i)(o) of the Certified Standing Order; theft, fraud or dishonesty in connection with employer's business or property and giving false information regarding one's name, age, father's name, qualification or previous service at the time of employment respectively. He also submitted his reply to the charge sheet, but it was found unsatisfactory. Accordingly, the Disciplinary Authority appointed Sri. R.N. Kumar, Dy. C.S.O./C.C.L., Ranchi as the Enquiry Officer to conduct the domestic enquiry in respect of the charges. The domestic enquiry was conducted by him in the presence of the petitioner in accordance with the principle of natural justice. The Enquiry Officer submitted his report to the Disciplinary Authority, holding therein charges unproved. The Disciplinary Authority, after going through the Enquiry Report, had disagreed with his findings for the specified reasons and issued the 2nd Show Cause Notice to the petitioner accordingly. On the specified reasons as under as per Enquiry Report, Md. Jabbar could not produce any evidence or any materials in his defence except raising frivolous and baseless allegation against the Management. The Enquiry proceedings reveal the matter of death of his 1st wife Rokina (Rokina) Khatoon remains shrouds in mystery as contrasted with the statement of petitioner/workman Md. Ajabbar about the death of his wife during delivery in 1982 at Sirka Colliery, as well as her expiry on her way between Ranchi and Ramgarh as contradictory. His application filed, before the Welfare Officer, Sirka Project, endorsed on 8.5.1983 also, did not mention the date of Robina (Rokina) Khatoon's death or the date of his 2nd marriage with Sabra Khatoon. While

filling the application on the date, supporting documents: such Death Certificate etc. were missing and could not be brought on record of the proceedings. These manoeuvres succinctly intended malafide on his part in the inquiry false and misleading information to the Management time and again.

9. It is further alleged by the Management that event of his 2nd marriage with Sabra Khatton solemnized in 1983 is considered to be true for the time being, then it ought not to have been concealed from the knowledge of the Management till 1988. The statement of the workman as a defence witness ought not have been relied upon by the Enquiry Officer, as it lacks veracity or truthfulness in it. As the Nikhanama (DE-03) in support of marriage does not speak of it with any daughter of Smt. Madina Khatoon. Rather it declares Rokina Khatoon as the daughter of one Md. Saffruddin The Service Linked Documents of Madina and her husband Saffruddin undisclosed that he had not any living daughter named Rakina Daughter. It contrarily established that he had a single son named Nasim, that the contention of the petitioner as the real of son-in-law of Smt. Madina Khatoon conclusively unestablished. The preponderance of probabilities indicate towards the guilt of the petitioner in fraudulently getting employment in the company through concealment of materials of facts and his false claim as the son-in-law of Smt. Madina Khatoon.

Further it has been alleged on behalf of the OP/Management that the Project Officer concerned in the 2nd Show Cause Notice found the charges levelled against petitioner/workman conclusively proved in view of the evidence on the record and on the balance of probabilities, so it warranted a major penalty. The petitioner had submitted his explanation to the 2nd Show Cause. On consideration of petitioner's explanation to it, the Dicipinary finally came to the finding the aforesaid charges conclusively proved against the petitioner on the basis of the evidence on the record. In views of the gravity of the charges, the Disciplinary Authority passed the order of his dismissal based on sufficient materials enough for preponderance of probabilities.

10. Further the Appellate Authority, the Director (Pers.), CCL, Ranchi, is alleged to have dismissed the appeal of the petitioner workman on the grounds:

- (i) The Dicipinary Authority extracted cogent materials from the records of the enquiry.
- (ii) Prior to the regular enquiry, proceeding holding a preliminary enquiry by the Enquiry Officer himself on 02.09.1999 at the affirmation or negation of the charges by the delinquents concerned, giving them fair opportunity, is well within the arena of the principles of Natural Justice.
- (iii) The Management witness (MW1) in the first sitting of the departmental enquiry on 21.10.2000 is stated to have relied upon the VR Scheme

circulated in January 1978 under which the petitioner secured his employment, declaring himself as son-in law of Madina Khatoon.

- (iv) There was nothing on the record to show that despite repeated requests of the petitioner, the management could not submit it, then he submitted the copy of his appointment letter (DE): however, he could have harp on that for his defence.

In the Joint application by the petitioner and Smt. Madina Khatoon for her V.R. and his appointment in her place respectively under the V.R. Scheme in vogue at the relevant time which was approved by the GM (A) Sirka on 27.07.1978, following the recommendation of the Colliery Manager, Sirka, and consideration of the Sub Area Manager, Sirka Group, the petitioner had never declared himself as a dependent son-in-law of Smt. Madina Khatoon, though Madina had declared himself to be his monther-in-law; in the manner, it proves that the petitioner was not her dependent son-in-law as also in the face of the proof on the record that Md. Safaruddin, husband of Madina Khatoon, had no daughter named Rakina Khatoon with whom he allegedly married. So the recommendation and approval of the petitioner's case by the Authorities concerned do not absolve him from the charge of his fraudulently entry into the employment of the Company as son-in-law of Smt. Madina Khatoon.

- (v). No mentions as such serial no.
- (vi) As per the statement of the management witness (MW1), it refers to the VR Scheme circulated in January 1978 (ME-1). It rebuts the allegation of the petitioner about the production of a totally different circular on V.R. Scheme. There was nothing on the record to deny or dispute the validity of the said V.R. Scheme.
- (vii) On the demand of the petitioner for a copy of the female V.R. Scheme, the Management submitted the copy of VRS Scheme dt. 14.07.1978 as an additional documents along with other documents in the departmental enquiry held on 10.02.2014. Further alleged that on the insistence of the petitioner for a copy of female V.R.S. the prosecution clearly stated the copy of the said VRS Scheme not available with the Management, though the Management was a contact with the CIL Management. Then on the demand of petitioner/defendant, a copy of the Minutes of JBCC Meeting dt. 31.07.1971 was produced by the persecution on 02.07.1971 for their defence in the enquiry proceedings on 02.07.2005 while submitting the 2nd Show-Cause reply, the petitioner/defendant is alleged to have not

submitted a copy of the V.R.S. in support of his case, though he had submitted his documents in support of his documents in support of his case in the enquiry on 30.07.2007.

- (viii) So far the exoneration of the concerned Personnel/ Executive who had allegedly recommended the case of Smt. Madina Khatoon for the employment of the petitioner in lieu of her under VRS is concerned, it is to bring on the record that Executive Shri S.H.N. Singh, the then Personnel Officer was proceeded under Major Penalty provision for charges of falsely certifying the petitioner's case as genuine which was not included in the case of petitioner, so even in the matter, the case of the petitioner is defferent from that of aforesaid Shri S.H.N. Singh.
- (ix). Though the allegation of the petitioner about the observations of formalities in his interview by a duly constituted Committee and its recommendation in his favour appears to be unpleaded on behalf of the petitioner, yet the recommendation of the Committee, following his interview by it, does not ipso-facto does absolve the petitioner from the charge of fraudulent entry into the employment of the Company.
- (x). So far as the allegations of the petitioner under the relevant paras 16 to 19 of his appeal about the other VR Scheme in existent at the relevant time, the failure of the Management to produce the relevant VR Scheme at the relevant time and the approval of the Competent Authority, *i.e.*, G.M., Argada, for his case, following the recommendation of the Area Consultative Committee, were merely vague assumption, and the same were of no assistance in his defence as contrasted with the facts existent on the record that Md. Safruddin, husband of Madina Khatoon, had no daughter named Rakina (Rokina) Khatoon with whom the petitioner had allegedly married. On the application of the principle of preponderance of the probabilities, the Appellate Authority appears to have taken his opinion about the charges levelled against the petitioner as established.
- (xi) Lastly alleged that the petitioner in his additional appeal dt. 31.3.2009 had stated *inter alia* about the dismissal order having been passed on extraneous circumstances, the dismissed punishment was harsh and unwarranted. In that regard, the Appellate Authority appears to have found that the disciplinary Authority in the 2nd Show-Cause Notice relied upon the "Nikahnama" of the petitioner and the Service Linked Documents. of Md. Safruddin, and found that neither "Nikahnama" of the petitioner nor the Service

documents of Safruddin spoke or disclose his marriage with any daughter of Madina Khatoon or the existence of any daughter named Rokina Khatoon of Safruddin, as Md. Safruddin had only one son Nasim, Accordingly, the Disciplinary Authority is alleged to have held the petitioner guilty of the misconduct of the aforesaid misconduct for fraudulently getting the employment as the son-in-law of Madina Khatoon on the basis of preponderance of probabilities. The Appellate Authorities held the dismissal Order based on bona fide grounds, expressing his opinion the punishment of dismissal to the petitioner quite proportionate to the nature of his conduct.

In the view of the above facts, the Appellate Authority the Director (Personnel) CCL, Ranchi appears to have dismissed the appeal of petitioner as devoid of merits. The O.P./ Management in their written statement has sought has sought for permission to adduce afresh opportunity for the proof of the charges, in case the enquiry is held unfair and improper; under the circumstance, the petitioner workman is not entitled to any relief.

11. The O.P./ Management in their simultaneous rejoinder appears to have categorically denied all the allegation of the petitioner/ workman as incorrect, Further alleging his case totally false, and fabricated. It is also stated on behalf of the Management that the Project Officer after going through the enquiry proceedings and the evidence on the record found the sufficient evidence proving the misconducts of the petitioner workman as started in charge in charge sheet. Since the finding of the Enquiry Officer was not according to the evidence recorded during the enquiry, the Disciplinary Authority after giving the petitioner full opportunity held him guilty of the charges. The Disciplinary Authority has the full authority to accept and disagree with the findings of the Enquiry Officer. The petitioner workman had also given full opportunity in accordance with principle of natural justice. The instant petition being meritless is liable to be dismissed.

#### **FINDINGS WITH THE REASONS**

12. On perusal of the case record, it is evident that at the preliminary point over the issue of fairness of domestic enquiry, the Tribunal as per Order No. 13 dt 21.5.2014 held the domestic enquiry fair, proper in accordance with principle of natural justice on the basis of the petition dt.21.5.2014 filed on behalf of the petitioner and moved by his Ld. Counsel Mr. N.M. Kumar whereby the fairness of the domestic enquiry was accepted. Accordingly, the photocopies of their respective documents concerned of the petitioner and of the Management (on the formal proof waive) have been marked respectively for the proper appreciation of the facts in issue as per the Schedule to the instant petition under Sec. 2A of the I.D.Act.

Mr. N.M. Kumar, Learned Counsel for the petitioner workman Md. Jabbar has submitted that he was, in the year 1975, legally married to Rokina Khatoon as per the Nikahnama (Ext.W.1). She was the only daughter of Smt. Madina Khatoon, the female employee of Sirka Colliery under the C.C.L. Smt. Madina Khatoon had her only dependent daughter, Rokina Khatoon, so she had given her to her son-in-law workman Md. Jabbar under the Female Voluntary retirement Scheme in the year 1978. Rokina Khatoon died in the year 1982 as per her valid Death Certificate Ext.- W.3). After the death of Rokina Khatoon, the workman was married to Sabra Khatoon. The concerned workman was appointed on 21.08.1978, since then he had rendered his service for long 20 years without any complaint from any corner. After twenty years of his service on 10.12.1998, the workman was served with a charge sheet that he claimed to have married Rokina Khatoon, the only daughter of Madina Khatoon in the year 1975, but he had mentioned the name of Smt. Sabra Khatoon in the Nomination Form-F on 18.05.1988—thus for his misconducts: Md. Jabbar committed the fraud and dishonesty in connection with the employer's business or property and secondly giving false information regarding name, age, father's name, qualification or previous service at the time of employment under clause 17(i)(a) & 17(i)(o) of the Certified Standing Orders respectively. But the workman has not committed any of the aforesaid misconducts as also held by Sri R.N. Kumar, Addl. CSO/ CCL as the Enquiry Officer after considering and holding the enquiry into it as per his enquiry report dt. 27.12.2006. But the Disciplinary Authority in a slipshod manner issued Show Cause Notice to the workman on 28.07.2008, disbelieving the Enquiry Officer unreasonably, and accordingly he dismissed him with same vague observation:

"Certain vital evidence adduced by the Management cited before the Enquiry Officer were not considered in correct perspective and under reliance was placed upon the evidences adduced from the defence side."

The impugned order of the Disciplinary Authority is not a speaking one and it suffers from malafide biasness. The Disciplinary Authority must record his reason for such disagreement, and then record his own finding, but not reasonably. In case of his dissatisfaction with the findings of the Enquiry Officer. Mr. Kumar has relied upon the case of Ramkrishan reported in 1995-71-FLR 929 wherein the Hon'ble Supreme Court has been pleased to hold that the absence of any ground or reason in the 2nd Show Cause amounts to an empty formality which would cause great prejudice to the delinquent and result in injustice to him; and even if some reason is given to disagree, it can not cure the defect.

According to Mr. Kumar Ld. Counsel for the workman, the Disciplinary Authority ought to have set up an afresh Enquiry proceeding by any other Enquiry Officer. The workman had preferred any appeal against it. But the



Management delayed its disposal. Finally, on the direction of the Hon'ble High Court of Jharkhand at Ranchi, the Appellate Authority of the Management disposed of his appeal as dismissal in the same manner. Consequently, the Industrial Dispute filed before the ALC(C) concerned, in which due to the failure of its conciliation, resulted in the instant I.D. under Sec. 2A of the I.D. Act (Amendment Act 2010) which was filed without any delay for an adjudication. So the action of the Management in dismissing the workman from the service of the Company of the M/C.C.L. is not justified, and the workman is entitled to be reinstated with full back wages and consequential benefits *w.e.f.* 11.02.2009.

13. Whereas Mr. D.K. Verma, Learned Counsel for the O.P./Management, has contended that in the instant Industrial Dispute, in case of no dispute over the point of fairness of the domestic enquiry, the Tribunal as per the Order No. 13 dt. 21.05.2004 has held the domestic enquiry fair and proper. In such circumstances, Mr. Verma submits that the Sec. 11 A of the I.D. Act 1947 clearly stated that if the enquiry is held fair and proper, the Tribunal has to act as the Revisional Authority to appreciate the materials. It is the settled law that in such case preponderance of proof rather than standard of proof is required for appreciation of facts, but no new documents are to be appreciated. Mr. Verma, Ld. Counsel for the O.P./Management has pointed out that it is settled law of the Land as held by the Hon'ble Supreme Court in the case of West Bokaro Colliery, TISCO Ltd. Vs. Ram Pravesh Singh, 2008 (1) SCC (L&S) 890, that it is improper for the Tribunal to interfere with the findings of domestic enquiry on the ground of an independent witness apart from the Management witness. According to Mr. Verma, in the instant case, the Enquiry Officer in his Enquiry Report submitted that no charges were proved beyond doubt.

14. Further argued by Mr. Verma is that the Enquiry Report of the Enquiry Officer is not decisive final. Mr. Verma having relied upon the case of State of NCT of Delhi Vs. Ajay Kumar Tyagi reported in 2011 (II) SCC 811 where in as held, submits, that the Disciplinary Authority is entitled to take his decision independent of that of the Enquiry Officer. In the instant case, the petitioner workman is alleged to have fraudulently got his employment as son-in-law of workman employee Madina Khatoon, as he was married to her only daughter Rokina Khatoon. But the Enquiry Officer in his Enquiry report at page 4 reported his finding that the workman had mentioned the date of his wife's death whereas the date of her death was endorsed by the Management of M/s CCL on his application, and that the workman stated his aforesaid wife to have expired in delivery in the year 1982 as contrasted with her death certificate which denotes his expiry on 03.09.1982, and in the last line, the Enquiry Officer reports the death Certificates of his wife Rokina Khatoon and of his mother in law on 03.09.1982 and Dec., 1979 respectively; both their

Certificates were issued in Sept., 1999 following the issuance of the charge sheet dt. 10.12.1998. By challenging the validity of the issuance of the aforesaid Death Certificates, Mr. Verma Ld. Counsel for the O.P./Management has pointed out that only the Register is the Competent Authority under Sec. 13 (3) of the Registration of Birth and Death Act 1969. The Sub-Sec 3 of Sec. 13 with the heading "Delayed Registration of births and deaths" reads as such:

"Any birth or death which as not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class or a Presiding Magistrate after verifying the correctness of the birth and death and on payment of the prescribed fee."

The plea of Mr. D.K. Verma at the point of the Registrar as the Competent Authority to issue the Death Certificate under the said provision of the aforesaid Act appears to be not only impressive as well as unpleaded; hence it is acceptable.

15. Further contention of Mr. D.K. Verma, Ld. Advocate for the O.P./Management is that the alleged 'Nikhanama' of the workman Md. Jabbar with Rokina Khatoon in Urdu (D.E.-3) which has translated into Hindi, mentioned the name of Baddruddin which was replaced with Safruddin, the husband of Madina Khatoon by striking it. It is also emphatically contended by Mr. Verma that as per the statement of the workman was DWI about his marriage in the year 1975 his wife Rokina Khatoon was 13 years old; as such the marriage of the workman with Rokina Khatoon was improbable; under such circumstances, the dismissal of the workman by the disciplinary Authority was not only quite correct but also justified in proportionate to the misconduct of grave nature in fraudulently getting his employment under the.....

16. On persual of the materials available on the case record, I find the following facts as revealed from the strict circle of the facts between both the parties:—

(a) It appears indisputable that Smt. Madina (Khatoon), the female Earth Curter was one of the Female workers of Sirka Colliery who had sought for her voluntary Retirement under the VRS of Female Workers vide Ref. No. 56/Fem. V. Vol/Ret./Sirka/78/3086 dt. 3978 in lieu of her dependent. It is also evident that Md Safruddin was her husband who was also an employee in the same colliery both under the CCL. The O.P./Management has not challenged the validity of the aforesaid VRS Scheme.

(b) The workman Jabbar was, after due process, appointed at Sirka Group (Collieries) as the Piece Rate Worker as the son-in-law of Smt. Madina with four others under the aforesaid VRS of the 1978 as per the Office Order dt. 19/21.8.1978 (DE 2) following the decision of the O.P./Management as per the letter dt. 11th Aug. 1978 (DE-I). The workman has served the Company for 20 (twenty) years since 21.08.1978.

(c) Now the plea of the O.P./Management is that the workman was not their son-in-law of Female worker Madina Khatoon on the ground that the service Link document of her husband Safruddin does not mention the name of Rokina Khatoon as per daughter . The plea of the management appears more presumptive oral fact. Whereas the Nikhanama of the workman Jabber (DE 3= Ext. W.1) proves his marriage with Rokina Khatoon, daughter of Safruddin to have been solemnized by Malvi Mushak Ali on 11th April, 1975 as per the record. It was duly verified as just by the Enquiry Officer in Course of the enquiry. The enquiry also reveals the name of Rokina Khatoon recorded in the service Excerpt of the workman Jabber prepared by the Management even in the year 1987 (DE. 6 = Ext. W.4). Non entry of Rakina Khatoon's name into the Service Link Documents of her father Safruddin for the reasons best known to him would not disqualify her from being his daughter. After her death on 03.09.1982 the workman held 2nd marriage with Sabra Khatoon D/o Md. Amant on 6th May, 1983 (DE-5)., though the name of his 1st wife Rokina remained intact in his Service Excerpt up to 1987 while it was being made by the Management, the workman appears to have reported about the death of his 1st wife Rokina Khatoon without mentioning the date of her death but with prayer for recording the names of his sons Ali Hasan, Mehendi Hasan and daughter Gulshan Arra so as to be recorded in his nominees in the C.M.P.F.

17. In the instant, the non- proof of the alleged charges under clause 17(i) (a) and (o) of the Certified Standing Orders respectively stands evident from the materials as made available on behalf of the OP/Management. The Materials of the O.P./Management do not *prima facie* preponderate over those substantial and natural ones of the petitioner workman. Hence the argument of Mr. D.K. Verma, Ld. Counsel for the management seems unpersuasive. Under the circumstances, the dismissal of the workman is liable to be set aside; hence the workman deserves a relief under Sec.11 A of the Industrial Dispute Act, 1947 (Amendment Act, 2010).

In result it is, in the terms of the reference, hereby responded and accordingly awarded that the action of the Management of Sirka Group of Collieries of M/s CCL in dismissing the Md. Jabbar, the Dumper Operator, from the service of the Company from 11.02.2009, the date of his dismissal, is unjustified. The workman is entitled to his reinstatement with full back wages and the consequential benefits. The O.P./Management is directed to implement the Award within a month from the date of its receipt, following its publication by the Government of India, in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2083.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं० 2, धनबाद के पंचाट ( संदर्भ संख्या 84/2012 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं० एल720012/33/2012-आईआर ( सी-I)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2083.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 84 of 2012) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workman, which was received by the Central Government on 26/10/2015.

[No. L-20012/33/2012-IR(C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

#### PRESENT :

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act., 1947

#### REFERENCE NO. 84 OF 2012

**PARTIES :** Smt. Aghni Kamin,  
Ex-Binder  
Vill: Akamba, PO: Hoshir, P.S. Kanke, Ranchi,  
Jharkhand-834006

**Vs.**

The Chairman-cum-Managing Director,  
M/s Central Coalfields Ltd.,  
Darbhanga House, Ranchi  
Order No. L-20012/33/2012-IR (CM-I)  
dt. 22.10.2012

#### APPEARANCES:

On behalf of the workman/Union : Mr. U.N. Lal,  
Ld. Advocate

On behalf of the Management : Mr. D.K. Verma,  
Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 30th Sept., 2015



**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec., 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/33/2012-IR (CM-I), dt. 22.10.2012.

**SCHEDULE**

- (i) "Whether the action of the Management of M/s. Central Coalfields Ltd., Darbhanga House, Ranchi assessing the age of Smt. Aghni Kamin, Ex-Binder by a Committee without Medical Officer is valid and in accordance with the Implementation Instruction No. 76?"
- (ii) Whether the action of the Management of M/s Central Coalfields Ltd., Darbhanga House, Ranchi in terminating the services of Smt. Aghni Kamin, Ex-Binder w.e.f. 30.06.2011 is legal and justified? To what reliefs are the workwoman concerned entitled?

On receipt of the Order No. L-20012/33/2012-IR (CM-I) dt. 22.10.2012 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 84 of 2012 was registered on 12.11.2012 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies for their documents. The Union and the O.P./Management through their own Ld. Counsels appeared respectively and contested the case.

2. The case of the workwoman Smt. Aghni Kamin, the Ex-Binder as represented in her claim statement is that her date of her birth (herein after referred to as DOB) is 06.10.1952 and the same was recorded in her Service Record/Register under the signature of the Authority concerned on 17.07.1986, after her appointment as Piece Rated worker on 18.05.1973. From PS3 (particulars of family) issued on 27.05.1998 also bears her same aforesaid DOB just the Declaration submitted in respect as the CMPF carries her Date of birth as 6.10.1952. In view of her aforesaid Date of birth, she was scheduled to retire on 31.10.2012. She was issued neither any notice nor any intimation of any change challenging her Date of birth, but the Manager P(NEE), M/s. Central Coalfields Limited, Darbhanga House, Ranchi, as per the retirement notice dt. 29.12.2010/04.01.2012 intimated the workwoman of her retirement as on 30.06.2011 considering her DOB as 04.06.1951.

In result, the industrial dispute raised by the lady petitioner in the conciliation proceeding before the Conciliation Officer about determination of her date of birth based on wrong presumption, but on its failure, resulted in the reference for an adjudication. In the face of her Date of birth as 06.10.1945 all along record in each and every document of her service records, the management had arbitrarily and illegally fixed the date of her reitement as 30.11.2001 which amounted to her premature retirement, so the workwoman is entitled to all the consequential benefits with her continuance in service till 31.10.2012, thus the petitioner urged for an adjudication in her favour.

3. The workwoman in her rejoinder has specifically denied all the allegations of the O.P./Management as imaginary, entirely misconceived misleading, and incorrect further stating that the story of her alleged age assessment is unreliable even as ex-parte and manufactured.

4. Whereas challenging the maintainability of the instant reference in law or facts, the Contra pleaded case of the OP./Management is that workwoman Smt. Aghni Kamin D/o Shri Chamaro Oraon, and W/o Shri Satish Toppa, bearing her CMPF A/c No. R/53-3604, was an employee of the Central Coalfields Ltd., Darbhanga House, Ranchi, designated as Binder, She was working in the CCL Press at its H. Qr. till her date of retirement on 30.06.2011. She was initially appointed as a Piece Rated worker in Sarubera Colliery on 18.05.1973. Her date of birth was not recorded in the Service Sheet; therefore she was referred to the Age Assessment Committee or determination fo her age according to the Implementation Instruction No. 76. She appeared before the aforesaid committee, and her date of birth was determined as 4.6.1951 in the year 1986 as per the provisions of the I.I. No. 76. She had also put her thumb impression on the Age Assessment Committee Report duly witnessed by two employees of the CCL as a token of acceptance of her date of birth as determined by the said committee. Accordingly her same date of birth was recorded in her service sheet under her thumb impression duly witnessed by two employees. As the date of her retirement was due on 30.06.2011, the Management issued her the notice dt.4.1.2011 bearing her retirement date as 30.06.2011. The workwoman had not raised any objection after the receipt of the aforesaid notice. But at the lag end of her services, she submitted a representation on 18.05.2011, representing that her date of birth ought to be corrected as 6.10.1952. She has not submitted any documentary evidence in support of her claim. Further alleged by the O.P./Management is that after her retirement, she filed an application for payment of her gratuity, and accordingly gratuity was paid to her, She never challenged the Age Assessment committee Report in any form till her retirement.

5. The O.P./Management in its simultaneous rejoinder has specifically denies the allegations of the workwoman as incorrect, further alleging that as the workwoman being

illiterate had not any documentary proof in support of her claimed age, on her reference to the Area Age Assessment Committee, her age was determined as 35 years as on 04.06.1986, and accordingly her date of birth fell as on 04.06.1951. She had never raised any dispute about her date of birth at the time of filing the Service Excerpt. Hence, the action of the Management in superannuating the workwoman w.e.f. 30.06.2011 is alleged to be justified, as she may be held not entitled to any relief.

### FINDINGS WITH REASONS

6. In the instant case, WW1 Aghni Kamin, the workwoman and WW2 Ukan Prasad, LDC and Representative of the Mazdoor Union on behalf of the workwoman, and MW1 Avinash Srivastava, the Sr. Manager (Pers). CCL, II.Qr, Darbhanga House, Ranchi, for the O.P./Management have been examined respectively.

The argument of the workwoman as per her written argument is that her entire service Register under the signature of the Authority concerned (Ext.W.1).KUJ-13 under signature of the Sr. Manager (Per NEE),CCL, Ranchi dt.28.7.2011 (Ext.W.2), her Nomination form PS.5 duly authenticated by the Regional Commissioner, CMPF, Ranchi (Extt.W.4=4/1- (all the documents proved on formal proof waive) all along display her Date of birth as 06.10.1952 and her retirement date at 60 years was due on 06.10.1912 since the date of her appointment on 18.05.1973 initially a Binder and, thereafter working in Cat.1 as Piece Rated, as she had got appointment in the year 1976. Accordingly the workwoman, her date of birth was recorded as 06.10.1952 in her all aforesaid documents, but the Management wrongly issued the Retirement Notice dt.29.12.2010/4.1.11 (Ext.W.5) and accordingly retired her prematurely from 30th June, 2011 as contrasted with the due retirement on 31.10.2012. She has further submitted that it is an admitted fact of the O.P./Management that the Age Assessment Committee Report clearly proves that out of three members only two members put their signatures but it was not signed by Sr. Medical Officer in the specific column, so its authenticity is doubtful; as such her real date of birth (as noted in the Ext.W.2) stood confirmed. As such the action of the Management in terminating her service w.e.f. 30.06.2011 is illegal and unjustified; hence, she is entitled to her back wages for her due period over service from 01.07.2011 to 31.10.2012.

7. Just contrary to it, Mr D.K.Verma, Ld. Counsel for the O.P./Management has contended that the date of birth of workwoman was not recorded in her Service Record, so she was referred to the Age Assessment Committee for it which had recorded her date of birth as 04.06.1951 (Ext.M.1) which was accordingly recorded in her Service Record, as she had not produced any authentic document to prove her date of birth as 06.10.1952; and after her retirement, she raised this Industrial Dispute which is untenable. Mr. Verma relying upon the authority: - 2006 SSC (L&S) 1445, State of

Gujrat Vs. Vali Mohd. Dosa Bhai Sindhi, in reference to Bombay Civil Services Rules, 1959, R.171- Constitution of India., Arts. 26 and 136, has submitted that in case of a dispute over the age for retirement/superannuation, if there is alternation or correction of date of birth entered in Service Record, request made at the verge for retirement for alternation/correction can not be entertained; rather request must be made within the period if any, prescribed under the rules and in absence thereof, within a reasonable period in accordance with the procedure prescribed; onus lies upon the employee concerned to make out clear case for alternation on the basis of materials of conclusive nature; Court/Tribunal must be satisfied as regards these aspects and also that there has been real justice to the employee concerned ; Court/Tribunal should be slow in granting interim relief or continuation in service unless there is a prima facie evidence of impeachable nature; Court/Tribunal should not issue any direction or make any declaration in favour of the employee merely on the basis of materials which make his case only plausible. Further it has been held by the Hon'ble Apex Court in the aforesaid cited case that the Court/Tribunal should keep in mind that alternation of a date of birth of an employee at the late stage may affect promotional prospect of those junior to him; request for a change of date of birth made by Respondent only after the order intimating the date of her retirement was received by him a few months prior to that date, held on facts, can not be accepted being in violation of specific rule applicable to such employee. According to Mr. Verma, Ld. Counsel of the OP/Management, the Petitioner after her superannuation has got her payment of Gratuity etc., so her claim is not sustainable.

8. On meticulous study of the materials available on the case record as the nature of the case pertaining to alternation of date of birth of the workwoman petitioner, it appears the indisputable facts as under:

- (i) The workwoman who appears to be though illiterate yet literate enough to sign her name only. The workwoman was initially appointed as the Piece Rated worker in Cat. 1 in Sarubera Colliery on 18th May, 1973; but later on she joined at H.Or. at Darbhanga House at Ranchi in 1995 since then she had been working there. The acknowledged facts also appear to be that her date of birth 06.10.1952 as recorded in his Service Record as also in her Form B and Form -PE-3 (Particulars of family) and the CMPF Record as well (Ext.W.1,2 & 4 respectively).
- (ii) According to the O.P./Management, her Service Record had not any written date of birth. But no documents produced on behalf of OP/Management as a proof of her date of birth blank. So as per the Implementation Instruction No.76 of the NCWA concerned, the O.P./Management got her age assessed as 35 years as on 04.06.1986 as

per the report dt. Nil, of Members of the Age Assessment Committee (Ext.M.1=Ext.W.3). The fact is also beyond the dispute that the alleged report of the Age Assessment Committee is duly signed by two Members, namely, of Personnel Officer and Project Officer, but the column of Sr. Medical Officer, Sarubera Colliery, Kuju Area CCL is blank as apparent from the attested copy of the Age Assessment Report issued on 28.07.2011 by Sr. Manager (Pers./MEE) CCL, Ranchi. It is remarkable to note that the signature of the Member, Personnel Officer appears to be dated 4th June, 1986 just below his signature as apparent from the aforesaid Extt.M.1 =Ext.W.3

- (iii) According to her date of birth as 06.10.1952 as recorded in her Service Register as also in her CMPF, she appears to have joined the Service on 18.05.1973 at her age of 20 years 7 months 12 days, and accordingly her superannuation comes factually on 30.05.2012 at her 60 (sixty) years of age. But the Retirement Notice dt. 29.12.2010/4.1.11 (Ext.W.5) to the under literate lady workwoman petitioner for her alleged superannuation 30.06.2011 appears to be baseless.
- (iv) The petitioner has clearly made out her solid case for her claim. Payment of her Gratuity etc. on the ground of her alleged premature retirement can not bar her due claim for due wages for the relevant period of her due service. This will be real justice to the Lady petitioner as also observed as by the Hon'ble Apex Court in the aforesaid ruling, otherwise it will amount to miscarriage of natural justice to her.

In result, it is, in the terms of the reference, hereby responded and accordingly awarded as such"

- (i) The action of the Management of M/s Central Coalfields Ltd., Darbhanga House, Ranchi in assessing the age of Smt. Aghni Kamin, Ex-Binder, by a Committee without Medical Officer is quite invalid and contrary to the provisions of the Implementation Instruction No. 76, and
- (ii) The action of the Management of M/s Central Coalfields Ltd., Darbhanga House, Ranchi in terminating the service of Smt. Aghni Kamin w.e.f. 30.06.2011 in place of her due retirement on 30.06.2012 is quite illegal and unjustified.

Therefore the workwoman petitioner is entitled to her full hack wages with statutory interest for the relevant period, i.e., from 01.07.2011 to 30.06.2012 The O.P./ Management is directed to implement it within one month from the receipt of the Award following its publication by the Government of India in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2084.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ब्रिटिश एअरवेज इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1, दिल्ली के पंचाट (संदर्भ सं० 141/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं० एल-11012/18/2015-आईआर (सी-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2084.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi (Ref. No. 141 of 2015) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. British Airways India and their workmen, which was received by the Central Government on 16/10/2015.

[No. L-11012/18/2015-IR (C-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO.1, KARKARDOOMA COURT COMPLEX, DELHI  
ID No.141/2015**

The President,  
British Airways Plc Employees Union (EAUU),  
Room No.25, IGI Airport, Terminal II,  
New Delhi 110-037

...Workman

#### Versus

The Area Commercial Manager,  
M/s British Airways India,  
C/o HL-2, 5th Floor,  
IGI Airport, Terminal III,  
New Delhi - 110 037

...Managements

#### AWARD

Central Government, vide letter No.L-11012/18/2015-IR(CM-I) dated 01.06.2015, referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of British Airways in paying bonus (Employees Reward Program) to the employees of the Company in India at a rate less than that paid to the employees of the Company in U.K. is legal and justified? To what relief are the workmen of the Company in India entitled to?"

2. In the reference order, the appropriate Government commanded the parties to the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt



of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, the claimant union opted not to file their claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the claimant union as well as the management. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant union. Despite service of the notice, claimant union opted to abstain away from the proceedings. No claim statement was filed on their behalf. Thus, it is clear that the claimant union is not interested in adjudication of the reference on merits.

4. Since the claimant union have neither put in their appearance nor have they led any evidence so as to prove their cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer

Dated : October 8, 2015

नई दिल्ली, 26 अक्टूबर, 2015

**का.आ. 2085.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एअर इण्डिया चार्टर्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1, दिल्ली के पंचाट (संदर्भ सं० 149/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 26/10/2015 को प्राप्त हुआ था।

[सं० एल-11012/19/2015-आईआर (सी-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 26th October, 2015

**S.O. 2085.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi (Ref. No. 149 of 2015) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Charters Ltd. and their workman, which was received by the Central Government on 26/10/2015.

[No.L-11012/19/2015-IR (C-1)]

M.K. SINGH, Section Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO. 1, KARKARDOOMA COURT COMPLEX, DELHI**

**ID No. 149/2015**

The General Secretary,  
All India Charters Cabin Crew Union,  
House No. G1/23B, Street No.30,  
Som Bazar Road.  
Rajapuri (Uttam Nagar),  
New Delhi-110059

...Workman

*versus*

The Chief Executive Officer,  
Air India Charters Ltd., Corported Headquarters,  
Gandhi Square, D.H. Road,  
Kochi, Kerala-682016

...Management

#### AWARD

Central Government, vide letter No.L-11010/19/2015-IR(CM-I) dated 19.06.2015, referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action on the part of the Management of Air India Charters Ltd. in contemplating to close down its establishment at Delhi and transfer all the cabin crew based in Delhi to other places without following the conditions prescribed under Section 25-FFA and Section 25 FFF of the ID Act, 1947 is legal and justified? To what relief the concerned workmen are entitled to?"

2. In the reference order, the appropriate Government commanded the parties to the dispute to file statement of claim, complete with relevant document, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite direction so given, All India Charters Cabin Crew Union opted not to file their claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the claimant union as well as the management. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant union. Despite service of the notice, claimant union opted to abstain away from the proceedings. No claim statement was filed on their behalf. Thus, it is clear that the claimant union is not interested in adjudication of the reference on merits.

4. Since the claimant union has neither put in their appearance nor have they led any evidence so as to prove their cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer